FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

TERRITORIAL SUBDIVISIONS IN PUERTO RICO

Section 331.16 of Title 6, Code of Federal Regulations (21 F. R. 10441, 10446), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designation of the subdivisions named Arroyo and Yabucoa, and (2) designating the following identified subdivisions:

PUERTO RICO

NAME OF SUBDIVISION AND MUNICIPALITIES	*Comprising Subdivision*
Arroyo	Arroyo, Guayama, Patillas, Salinas.
Yabucoa	Yabucoa, Maunabo.

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 54, 60 Stat. 1071, as amended; 7 U. S. C. 1028)

Dated: February 25, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1547; Filed, Feb. 28, 1957; 8:46 a. m.]

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; IOWA

On February 14, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

IOWA

County	Average value	County	Average value
Adair	$29,000	Jefferson	$30,000
Adams	27,000	Johnson	33,000
Allamakee	25,000	Jones	31,000
Appanoose	25,000	Keokuk	30,000
Audubon	30,000	Kossuth	40,000
Benton	38,000	Lee	30,000
Black Hawk	38,000	Linn	33,000
Boone	36,000	Louisa	32,000
Bremer	31,000	Lucas	25,000
Buchanan	30,000	Lyon	35,000
Buena Vista	40,000	Madison	29,000
Butler	34,000	Mahaska	32,000
Calhoun	40,000	Marion	30,000
Carroll	37,000	Marshall	36,000
Cass	34,000	Mills	32,000
Cedar	40,000	Mitchell	32,000
Cerro Gordo	34,000	Monona	36,000
Cherokee	40,000	Monroe	25,000
Chickasaw	27,000	Montgomery	34,000
Clarke	26,000	Muscatine	34,000
Clay	35,000	O'Brien	40,000
Clayton	30,000	Osceola	35,000
Clinton	34,000	Page	34,000
Crawford	36,000	Palo Alto	35,000
Dallas	32,000	Plymouth	38,000
Davis	25,000	Pocahontas	40,000
Decatur	25,000	Polk	34,000
Delaware	30,000	Pottawattamie	34,000
Des Moines	34,000	Poweshiek	36,000
Dickinson	32,000	Ringgold	25,000
Dubuque	30,000	Sac	40,000
Emmet	35,000	Scott	38,000
Fayette	30,000	Shelby	36,000
Floyd	34,000	Sioux	38,000
Franklin	39,000	Story	40,000
Fremont	32,000	Tama	36,000
Greene	38,000	Taylor	28,000
Grundy	40,000	Union	26,000
Guthrie	28,000	Van Buren	25,000
Hamilton	40,000	Wapello	27,000
Hancock	36,000	Warren	29,000
Hardin	40,000	Washington	34,000
Harrison	30,000	Wayne	26,000
Henry	34,000	Webster	40,000
Howard	26,000	Winnebago	32,000
Humboldt	40,000	Winneshiek	27,000
Ida	36,000	Woodbury	36,000
Iowa	36,000	Worth	32,000
Jackson	30,000	Wright	40,000
Jasper	36,000		

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i))

Dated: February 21, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1546; Filed, Feb. 28, 1957; 8:46 a. m.]

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[Amdt. 4]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

AGREEMENT

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, 22 F. R. 494, 971, 973 and 989, are hereby further amended as provided herein.

Section 485.216 is amended by inserting "(a)" immediately after the heading and by adding a new paragraph (b) at the end thereof reading as follows:

(b) If the amount of compensation shown in an agreement filed on Form CSS–800 (crops other than winter wheat) is incorrect as the result of an error, other than a mistake of judgment in determining the productivity of land, a new agreement shall be entered into showing the correct amount and compensation will be paid accordingly: *Provided,* That a downward adjustment shall not be made if the error is discovered after the producer has acted in reliance on the agreement, provided the producer filed the agreement in good faith without knowledge that the amount was erroneous, and the error was not obvious on the face of the agreement or so substantial as to put the producer on notice that an error had been made and the producer did not otherwise have good reason to know of the error, but in no case shall the rate of compensation per acre for tobacco exceed the applicable maximum rate per acre specified in § 485.217 (a) (2).

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 27th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–1591; Filed, Feb. 28, 1957; 8:55 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

SUBPART J—DRINKING WATER STANDARDS

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making having been published in the FEDERAL REGISTER on October 23, 1956 (21 F. R. 8110) and consideration having been given to all relevant matters presented, the amendments to this subpart set forth below are hereby adopted to become effective on publication in the FEDERAL REGISTER. Postponement of effective date has been found unnecessary in the issuance of this amendment which permits the use of the membrane filter procedure in the examination of water and makes minor changes in the procedures.

1. Section 72.201 (g) is amended to read as follows:

(g) "The coliform group of bacteria" includes all organisms considered in the coliform group as set forth in the Standard Methods for the Examination of Water, Sewage and Industrial Wastes, 10th Edition (1955), prepared and published jointly by the American Public Health Association, American Water Works Association and Federation of Sewage and Industrial Wastes Associations. The procedures [3] set for the determination of bacteria of this group shall be those specified therein for:

(1) The completed test; or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent, is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 35° C. is considered to constitute a positive confirmed test; or

(3) The confirmed test (alternate procedure) when streaking one or more plates of Endo Agar or Eosin Methylene Blue Agar from presumptive positive tubes of Lactose Broth or Lauryl Tryptose Broth. The incubation period for the selected medium shall be 24 hours ±2 hours at 35° C ±0.5°. Some of the colonies on the surface of the selected medium shall be separated by at least 0.5 cm. from one another. A confirmed test is positive when typical nucleated colonies with or without a metallic sheen are present. Any atypical opaque, unnucleated pink colonies are doubtful and the completed test procedure must be applied. If only negative colonies are present on the plate, the confirmed test may be considered negative; or

(4) The membrane filter procedure.

In the use of the Confirmed Test, or Confirmed Test (alternate procedure) it is the responsibility of the individual laboratory to establish beyond reasonable doubt by comparisons with the completed test the value of the Confirmed Test in determining the sanitary quality of water supplies examined.

2. Section 72.201 (i) is amended to read as follows:

(i) "The standard sample" for the bacteriological test shall consist of:

(1) Five (5) standard portions of either:

(i) Ten milliliters (10 ml), or

(ii) One hundred milliliters (100 ml) each.

(2) Not less than fifty milliliters (50 ml), when the membrane filter procedure is used, which shall be filtered through one or more membranes so that the total colony count (coliforms plus noncoliforms) on each filter shall not exceed 400. The use of standard samples larger than fifty milliliters will provide more information than smaller samples, but the total colony count per filter shall not in any case exceed 400.

In any disinfected supply the sample must be freed of any disinfecting agent at the time of its collection.[4]

3. Section 72.203 (b) is amended by revising the language immediately preceding subparagraph (1) as follows:

(b) *Application.* Subparagraphs (1) and (2) of this paragraph shall govern when ten milliliter (10 ml) portions are used, subparagraphs (3) and (4) of this paragraph when one hundred milliliter (100 ml) portions are used and subparagraphs (6) and (7) of this paragraph when the membrane filter procedure is used.[5]

4. Section 72.203 (b) is further amended by adding at the end thereof the following new subparagraphs (6) and (7):

(6) The arithmetic mean density of all standard samples examined per month by the membrane filter procedure shall not exceed one per one hundred milliliters (1.0/100 ml).

(7) Utilizing the membrane filter procedure, greater than the average number of coliform colonies will occasionally be found in a single standard sample. This shall be permissible: *Provided,* The numbers of coliform colonies per standard sample are not greater than: three (3) per fifty milliliters (50 ml), four (4) per one hundred milliliters (100 ml), seven (7) per 200 milliliters (200 ml), thirteen (13) per five hundred milliliters (500 ml), or twenty-two (22) per one thousand milliters (1,000 ml) in:

(i) Any two (2) consecutive standard samples.

[3] This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[4] In freeing samples of chlorine or chloramines, the procedures given in the Standards Method for the Examination of Water, Sewage and Industrial Wastes, 10th Edition (1955), shall be followed.

[5] It is to be understood that in the examination of any water supply the series of samples for any month must conform to both of the requirements of either subparagraphs (1) and (2), (3) and (4) or (6) and (7) of this paragraph, respectively.

(ii) More than five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(iii) One (1) standard sample when less than twenty (20) samples have been examined per month.

Provided further, That when one standard sample shows a larger number of colonies than are permissible under subparagraph (7) of this paragraph daily samples from the same sampling point shall be collected and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[8]

5. Footnote 8 to § 72.204 (a) and footnote 9 to § 72.204 (c) are renumbered as footnotes 9 and 10 respectively.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703, 42 U. S. C. 264)

Dated: February 15, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: February 21, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1544; Filed, Feb. 28, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-392B]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

SPECIAL CIVIL AIR REGULATION; FACILITATION OF EXPERIMENTS WITH EXTERIOR LIGHTING SYSTEMS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

Special Civil Air Regulation No. SR-392A adopted June 29, 1955, permits air carriers, subject to the approval of the Administrator, to install and use experimentally, on a limited number of their airplanes, exterior lighting systems which do not conform to the specifications contained in Part 4b of the Civil Air Regulations. The purpose of SR-392A was to permit experimentation on large airplanes while retaining their standard airworthiness certification. Prior to that time such experimentation was conducted either on Government-owned aircraft or on private aircraft limited in operations to the conditions of an experimental certificate.

SR-392A does not extend the permission for experimentation with exterior lights to non-air-carrier aircraft because at the time of its adoption only air carrier operators indicated interest in this activity. Recently, however, new experimental developments in anti-collision light systems have aroused the interest of private and corporate operators to the extent that some of the operators apparently wish to install the new systems on their aircraft for purposes of experimentation. The Board sees no valid reason why operators other than air carriers should not be permitted to participate, if they wish, in experiments intended to improve the effectiveness of aircraft exterior lighting, provided that the number of such aircraft is reasonably limited.

Since future experimentation is to be conducted more widely and by private individuals, the Board believes that conditions should be imposed which will assure that the experimental exterior lights are in fact installed for purposes of bona fide experimentation and that the results of such experimentation become available to the Government and to all other interested persons.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 3388), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 25, 1957.

Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting equipment which does not comply with the relevant specifications contained in the Civil Air Regulations may, subject to the approval of the Administrator, be installed and used on aircraft for the purpose of experimentation intended to improve exterior lighting for a period not to exceed six months: *Provided,* That:

(1) The Administrator may grant approval for additional periods if he finds that the experiments can be reasonably expected to contribute to improvements in exterior lighting;

(2) Not more than 15 aircraft possessing a U. S. certificate of airworthiness may have installed at any one time experimental exterior lighting equipment of one basic type;

(3) The Administrator shall prescribe such conditions and limitations as may be necessary to insure safety and avoid confusion in air navigation;

(4) The person engaged in the operation of the aircraft shall disclose publicly the deviations of the exterior lighting from the relevant specifications contained in the Civil Air Regulations at times and in a manner prescribed by the Administrator; and

(5) Upon application for approval to conduct experimentation with exterior lighting, the applicant shall advise the Administrator of the specific purpose of the experiments to be conducted; and at the conclusion of the approved period of experimentation, he shall advise the Administrator of the detailed results thereof.

This regulation supersedes Special Civil Air Regulation No. SR-392A and shall terminate February 25, 1962, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: February 25, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1572; Filed, Feb. 28, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 3-1]

PART 3—AIRPLANE AIRWORTHINESS: NORMAL, UTILITY, AND ACROBATIC CATEGORIES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The currently effective provisions of Part 3 of the Civil Air Regulations prescribe certain installational requirements for an exterior lighting system consisting of three conventional position lights. Experience with the use of anti-collision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. Although such lights are not required on small airplanes by the currently effective provisions of the operating parts of the Civil Air Regulations, many owners and operators of such airplanes have elected to install anti-collision lights. In the approval of such installations, the Administrator had made applicable the requirements in § 4b.637 of Part 4b of the Civil Air Regulations in view of the fact that there were no specifications in this part.

Recent studies, with respect to the use of anti-collision lights on all types of aircraft, have indicated the need for broadening the specification in § 4b.637 to permit the use of newly developed lights. As a result of these studies, new specifications for anti-collision lights were developed and are being added to Part 3 by this amendment. These specifications are the same as those being incorporated by a concurrent amendment into Part 4b of the Civil Air Regulations. No differentiation is made between the standards in Part 3 and Part 4b in view of the Board's belief that equal conspicuity should be required for all future airplanes.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained emphasize the need for increased conspicuity for newly de-

[8] When this occurs and when waters of unknown quality are being examined, additional filtrations should be made on volumes ranging downward from the size of the standard sample.

signed small airplanes. Therefore, concurrently with this amendment, Part 43 of the Civil Air Regulations is being amended to require the use of anti-collision lights on all small airplanes for which application for type certification is made on or after the effective date of this amendment. Such lights will be required to comply with the anti-collision light specifications included in this amendment.

It is not anticipated that this amendment will affect the basis of approval used in the past by the Administrator with respect to the installation of anti-collision lights on small airplanes for which the application for type certification was made prior to the effective date of this amendment. Anti-collision lights which cannot comply with the aforementioned policy of the Administrator may be installed on such older airplanes on a voluntary basis if compliance can be shown with the new specifications in this amendment.

Another change being made by this amendment is the deletion of the specifications for the position light system flasher. This deletion is made in view of the belief that when position lights are used with anti-collision lights, steady lights provide important direction and attitude information whereas flashing lights contribute very little to increased conspicuity or to information on direction and attitude.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these requirements entail more conditions than have been required in the past, experience with them on individual airplanes might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluaiton. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective April 1, 1957.

1. By amending § 3.700 (a) to read as follows:

§ 3.700 *Position light system installation*—(a) *General.* The provisions of §§ 3.700 through 3.703 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (e) of this section.

2. By amending § 3.700 by deleting paragraph (e) and redesignating paragraph (f) as paragraph (e).

3. By adding a new heading and a new § 3.705 to read as follows:

ANTI-COLLISION LIGHT SYSTEM

§ 3.705 *Anti-collision light system.* An airplane to be eligible for night operation shall have installed an anti-collision light system. Such system shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the airplane with due consideration to the physical configuration and the flight characteristics of the airplane. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totaling not more than .03 steradians shall be permissible within a solid angle equal to .15 steradians centered about the longitudinal axis in the rearward direction.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the airplane's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with the specifications of § 3.703 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 3-18. The following relation shall be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
$t_2 - t_1$ = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 3-18—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1573; Filed, Feb. 28, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 4b-4]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washintgon, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. The presently effective regulations in Part 4b of the Civil Air Regulations prescribe certain specifications for anti-collision lights and, in addition, require the installation of a position light flasher and prescribe certain specifications for position lights.

The presently effective specifications for anti-collision lights contained in § 4b.637 were established a few years ago. They were based upon conclusions reached from experimentation and studies conducted by both industry and government. The use on a relatively large number of aircraft of lights conforming to these specifications has revealed the need for further modification. Furthermore, during the past year or so experimentation has led to the development of condenser-discharge type lights which appear to have certain advantageous features. The inherent characteristics of such lights, however, do not permit compliance with certain of the specifications presently contained in § 4b.637. The Board considers that both incandescent and condenser-discharge lights have sufficient advantages to permit their use, provided that the design features essential in an effective anti-collision light system are incorporated. Accordingly, § 4b.637 is being amended to include new specifications which establish in more detail the essential features of an anti-collision light and which at the same time are sufficiently broad to permit the use of new lights currently under development.

Experience with anti-collision lights has shown that the relatively high intensity of these lights may have a deleterious effect on the visibility of the position lights, particularly if the latter are flashing. Apparently the flashing of wing and tail position lights, the fuselage lights, and the anti-collision lights is conducive to confusion as regards the direction of flight. Tests have shown that with the presently used system the clearest indication is obtained when, in addition to the flashing anti-collision light, the lighting system is limited to

two wing lights and a white tail light, and when these three position lights are on steady. In view of the foregoing, the provisions of § 4b.632 which require fuselage lights, red tail light, and the flasher are being deleted. Concurrently with this amendment, Part 40 of the Civil Air Regulations is being amended to delete the provision for flashing position lights.

These new specifications for anti-collision and position lights will be applicable to all transport category airplanes for which application for type certification is made after the effective date of this amendment. However, the new lighting system may be installed on current airplanes on a voluntary basis.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these requirements entail more conditions than have been required in the past, experience with them on individual airplanes might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluation. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective April 1, 1957.

1. By amending § 4b.632 (a) by deleting the paragraph reference "(f)" and inserting in lieu thereof the paragraph reference "(d)".

2. By amending § 4b.632 by deleting paragraphs (d) and (e) and redesignating paragraph (f) as paragraph (d).

3. By amending § 4b.632 (c) to read as follows:

§ 4b.632 *Position light system installation.* * * *

(c) *Rear position light.* The rear position light shall consist of a white light mounted on the airplane as far aft as practicable. The light shall be of an approved type.

4. By amending § 4b.634 by deleting paragraph (c).

5. By amending Figure 4b–18 by deleting the last line from all columns.

6. By amending Figure 4b–20 by deleting the words "or rear red" from the 5th and 6th titles of the first column.

7. By amending § 4b.637 to read as follows:

§ 4b.637 *Anti-collision light system.* An anti-collision light system shall be installed which shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the airplane with due consideration to the physical configuration and the flight characteristics of the airplane. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians shall be permissible within a solid angle equal to 0.15 steradians centered about the longitudinal axis in the rearward direction.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the airplane's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with the specifications of § 4b.635 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 4b–27. The following relation shall be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
$t_2 - t_1$ = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 4b–27—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1574; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 6–1]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The currently effective provisions of Part 6 of the Civil Air Regulations prescribe certain installational requirements for an exterior lighting system consisting of the three conventional position lights. Experience with the use of anti-collision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. Although such lights are not required on small rotorcraft by the currently effective provisions of the operating parts of the Civil Air Regulations, many owners and operators of such rotorcraft have elected to install anti-collision lights. In the approval of such installations, the Administrator had made applicable the requirements in § 4b.637 of Part 4b of the Civil Air Regulations in view of the fact that there were no specifications in this part.

Recent studies, with respect to the use of anti-collision lights on all types of aircraft, have indicated the need for broadening the specification in § 4b.637 to permit the use of newly developed lights. As a result of these studies, new specifications for anti-collision lights were developed and are being added to Part 6 by this amendment. These specifications are the same as those being incorporated by a concurrent amendment into Part 7 of the Civil Air Regulations. No differentiation is made between the standards in Part 6 and Part 7 in view of the Board's belief that equal conspicuity should be required for all future aircraft.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained emphasize the need for increased conspicuity for newly designed small airplanes. Therefore, concurrently with this amendment, Part 43 of the Civil Air Regulations is being amended to require the use of anti-collision lights on all small rotorcraft for which application for type certification is made on or after the effective date of this amendment. Such lights will be required to comply with the anti-collision light specifications included in this amendment. These specifications will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and flight characteristics of the rotorcraft.

It is not anticipated that this amendment will affect the basis of approval used in the past by the Administrator with respect to the installation of anti-collision lights on small rotorcraft for which the application for type certification was made prior to the effective date of this amendment. Anti-collision lights which cannot comply with the aforementioned policy of the Administrator may be installed on such older rotorcraft on a voluntary basis if compliance can be

shown with the new specifications in this amendment.

Another change being made by this amendment is the deletion of the specifications for the position light system flasher. This deletion is made in view of the belief that when position lights are used with anti-collision lights, steady lights provide important direction and attitude information whereas flashing lights contribute very little to increased conspicuity or to information on direction and attitude.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these requirements entail more conditions than have been required in the past, experience with them on individual rotorcraft might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluation. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective April 1, 1957.

1. By amending § 6.632 (a) to read as follows:

§ 6.632 *Position light system installation*—(a) *General.* The provisions of §§ 6.632 through 6.635 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (e) of this section.

2. By amending § 6.632 by deleting paragraph (e) and redesignating paragraph (f) as paragraph (e).

3. By adding a new § 6.637 to read as follows:

§ 6.637 *Anti-collision light system.* An airplane to be eligible for night operation shall have installed an anti-collision light system. Such system shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and flight characteristics of the rotorcraft. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the rotorcraft, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians shall be permissible.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the rotorcraft's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with § 6.635 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 6-4. The following relation shall be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
$t_2 - t_1$ = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 6-4—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1575; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 7-1]

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. The presently effective regulations in Part 7 of the Civil Air Regulations require an approved anti-collision light and, in addition, require the installation of a flasher unit in the position light system.

The presently effective specifications for anti-collision lights were established a few years ago. They were based upon conclusions reached from experimentation and studies conducted by both industry and government. The use on a relatively large number of aircraft of lights conforming to these specifications has revealed the need for further modification. Furthermore, during the past year or so experimentation has led to the development of condenser-discharge type lights which appear to have certain advantageous features. The inherent characteristics of such lights, however, do not permit compliance with certain of the present specifications. The Board considers that both incandescent and condenser-discharge lights have sufficient advantages to permit their use, provided that the design features essential in an effective anti-collision light system are incorporated. Accordingly, § 7.637 is being amended to include new specifications which establish in more detail the essential features of an anti-collision light and which at the same time are sufficiently broad to permit the use of new lights currently under development. These specifications will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and flight characteristics of the rotorcraft.

Experience with anti-collision lights has shown that the relatively high intensity of these lights may have a deleterious effect on the visibility of the position lights, particularly if the latter are flashing. Apparently the flashing of forward and rear position lights, the fuselage lights, and the anti-collision lights is conducive to confusion as regards the direction of flight. Tests have shown that with the presently used system the clearest indication is obtained when, in addition to the flashing anti-collision light, the lighting system is limited to two forward lights and a white rear light, and when these three position lights are on steady. In view of the foregoing, the provisions of § 7.632 which require fuselage lights, red tail light, and the flasher are being deleted. Concurrently with this amendment, Part 40 of the Civil Air Regulations is being amended to delete the provision for flashing position lights.

These new specifications for anti-collision and position lights will be applicable to all transport category rotorcraft for which application for type certification is made after the effective date of this amendment. However, the new lighting system may be installed on current rotorcraft on a voluntary basis.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these require-

ments entail more conditions than have been required in the past, experience with them on individual rotorcraft might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluation. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) effective April 1, 1957.

1. By amending § 7.632 (a) by deleting the paragraph reference "(f)" and inserting in lieu thereof the paragraph reference "(d)".

2. By amending § 7.632 by deleting paragraphs (d) and (e) and redesignating paragraph (f) as paragraph (d).

3. By amending § 7.632 (c) to read as follows:

§ 7.632 *Position light system installation.* * * *

(c) *Rear position light.* The rear position light shall consist of a white light mounted on the rotorcraft as far aft as practicable. The light shall be of an approved type.

4. By amending § 7.634 by deleting paragraph (c).

5. By amending Figure 7–1 by deleting the last line from all columns.

6. By amending § 7.637 to read as follows:

§ 7.637 *Anti-collision light system.* An anti-collision light system shall be installed which shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and the flight characteristics of the rotorcraft. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the rotorcraft, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians shall be permissible.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the rotorcraft's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with § 7.635 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 7–4. The following relation shall be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
$t_2 - t_1$ = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle below or above horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 7–4—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1576; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 40–3]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of aircraft capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. Recent studies with respect to exterior aircraft lighting indicate a need for the establishment of new specifications in the certification parts of the Civil Air Regulations for anti-collision lights.

Since the anti-collision light is a flashing light and in addition has the added advantage of more concentrated intensities which offer conspicuity at a greater distance, the Board believes that flashing position lights will no longer contribute noticeably to the conspicuity of aircraft. It is believed, however, that with the use of the anti-collision lights now required on all air carrier aircraft it becomes important for the position lights to retain their direction and attitude indicating features and this can best be accomplished by maintaining the position lights steady rather than flashing.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective April 1, 1957.

1. By amending § 40.200 (a) to read as follows:

§ 40.200 *Instruments and equipment for operations at night.* * * *

(a) Position lights;

2. By amending § 40.200 (b) by deleting the following: "After May 31, 1956,".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1577; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 43–5]

PART 43—GENERAL OPERATION RULES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of aircraft capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. Experience with the use of anti-collision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. The currently effective provisions of Part 43 of the Civil Air Regulations require the installation of an approved anti-collision light only on large aircraft operated at night.

When the Board promulgated regulations requiring anti-collision lights on large aircraft, it indicated that additional study was being given to the possibility of requiring generally similar types of lights for small aircraft. This amendment, which requires anti-collision lights for the night operation of newly certificated small aircraft, reflects the initial results of such additional study by the Board. Experience gained under this

amendment along with results of continued studies should provide a basis for possible regulatory action in the future with respect to requiring anti-collision lights on all small aircraft.

In view of the foregoing, and since there are no requirements in the operating parts of the regulations to require small aircraft to install anti-collision lights, the Board is amending § 43.30 (b) (3) to require their use on all small aircraft for which such lights are required in conjunction with their certification, i. e. all small aircraft for which application for type certification is made after the effective date of this amendment.

Since there are no specifications for anti-collision lights in Parts 3 and 6 of the Civil Air Regulations, amendments to these parts are being promulgated concurrently to provide a basis of approval for such lights as are required by this amendment. Aircraft not affected by this amendment may continue to use or install existing approved anti-collision lights or, optionally, may install anti-collision lights conforming with the new specifications in Parts 3 and 6.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective April 1, 1957.

By amending § 43.30 (b) (3) to read as follows:

§ 43.30 *Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness certificates.* * * *

(b) *Contact flight rules (night).* * * *

(3) An approved anti-collision light system for aircraft having a maximum certificated weight of more than 12,500 pounds and for all aircraft which are required to have anti-collision light systems installed by the terms of their airworthiness certificate; except that, in the event of failure of any light of such system, the aircraft may continue flight to the next stop where repairs or replacements can be made without undue delay.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1578; Filed, Feb. 28, 1957; 8:54 a. m.]

[Supp. 22]

PART 60—AIR TRAFFIC RULES

FLIGHT TEST AREAS

This supplement is promulgated to implement new § 60.24 of the Civil Air Regulations adopted by the Civil Aeronautics Board, effective February 20, 1957, and published in 22 F. R. 781–782, February 8, 1957. Under the provisions of this regulation, the Administrator of Civil Aeronautics is authorized to designate or approve flight test areas and adopt necessary air traffic rules governing flight test operations within such flight test areas. This supplement provides for the method of making application to the Administrator of Civil Aeronautics for approval of flight test areas and provides traffic rules for operation of aircraft being flight tested in designated flight test areas.

Because of existing conditions requiring immediate action with respect to safety in air commerce, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and is therefore not required.

The following rules and policies are hereby adopted:

§ 60.24–1 *Approval of flight test areas (CAA policies which apply to § 60.24).* Flight test areas will be approved only over open water or sparsely populated areas where the conduct of tests will be a minimum hazard to persons or property. In approving a flight test area, consideration will be given to such factors as the type of flying, air speeds, altitudes involved, the amount of traffic being operated in the area and any other factors essential to safety.

§ 60.24–2 *Application for approval of flight test area (CAA policies which apply to § 60.24).* Any person may apply for approval of a test area by making application in triplicate by letter addressed to the local district office. The application is to contain the following information:

(a) Aeronautical chart showing geographical boundaries of the area to be used (latitude, longitude, highways, railroads, or similar landmarks, readily discernible from operating altitudes).

(b) Hours during which operations are to be conducted.

(c) Conditions for operating: VFR, ceiling, visibility, altitudes, etc.

§ 60.24–3 *Duration and renewal of test area approval (CAA policies which apply to § 60.24).* (a) Approval of a flight test area will be given for a period of 24 months subject to earlier cancellation where the Administrator finds that changed conditions would not justify original approval. Cancellation will be effective upon receipt of written notice from the Administrator or his representatives.

(b) Approval of a flight test area may be renewed by making application in the form prescribed in § 60.24–2. The renewal request need contain only changes made in the original application. Items unchanged should be incorporated by reference.

§ 60.24–4 *Traffic rules for flight test areas designated by the Administrator (CAA rules which apply to § 60.24).* No person shall flight test an aircraft within an area designated[1] by the Administrator for such purposes except in accordance with the following:

(a) *Filing of flight plan.* A flight plan shall be filed with Air Traffic Control and shall contain at least the following information:

(1) Aircraft identification and type.

(2) Proposed departure time.

(3) Estimated duration of flight.

(4) Altitude or altitudes to be used within the test area.

(5) Proposed time of entry and egress from test area.

(b) *Filing of position reports.* IFR flights (in addition to those reports normally required of IFR operations within controlled airspace), and VFR flights with a functioning two-way radio, shall report actual time of entry and egress of the test area.

(c) *Deviation from flight plan.* No person shall deviate from the provisions of his flight plan unless Air Traffic Control is advised in advance.

NOTE: In addition to special traffic rules or procedures prescribed for operations within approved or designated flight test areas, the provisions of CAR 60 are applicable.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules and policies shall become effective March 1, 1957.

[SEAL] S. A. KEMP, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 57-1583; Filed, Feb. 28, 1957; 8:56 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 237]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

[1] Designated flight test areas are those areas, other than approved flight test areas, which are designated after appropriate hearings are conducted through the Airspace Subcommittee of the Air Coordinating Committee, and may be used by any person in accordance with the rules set forth herein.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
West Point Intersection	POU-LFR (final)	Direct	2,200	T-dn C-dn A-dn	300-1 600-1½ 800-2			Procedure turn E side S course*, 208° outbound, 028° inbound, 2,700′ within 10 miles. Not authorized beyond 10 miles. Minimum altitude over facility on final approach course, 2,200′. Course and distance, facility to airport, 002–4.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, climb to 3,000′ on N course within 20 miles. *Shuttle to 3,000′ on N course within 20 miles. AIR CARRIER NOTE: Use of airport restricted to 65 K or less, 2-engine or less aircraft.

Poughkeepsie, N. Y.; Dutchess County Airport, elevation 166′; facility SBRAZ, identification POU; Procedure No. 1, Amendment No. 8, effective date, Mar. 23, 1957; supersedes Amendment No. 7, dated Aug. 6, 1955

Intersection SW course AUS LFR and N course SRO LFR.	SRO-LFR	Direct	3,000	T-dn C-dn S-dn-17 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Procedure turn W side N course, 351° outbound, 171° inbound, 2,000′ within 10 miles. Minimum altitude over facility on final approach course, 1,500′. Course and distance, facility to airport, 167—3.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make right climbing turn, reporting over SRO LFR at 2,000′. Hold at 2,000′ on N course. SRO LFR within 10 miles.
Intersection SW course AUS LFR and W course SRO LFR.	SRO-LFR	Direct	3,000					

San Marcos, Tex.; Gary AAF Airport, elevation 596′; facility MRLZW, identification SRO; Procedure No. 1, Amendment Original, effective date, Feb. 23, 1957

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Elizabeth Intersection	Fort Knox RBn	Direct	2,500	T-dn C-dn S-dn-17 A-dn	300-1 1,000-1 400-1 2,000-3	300-1 1,000-1 400-1 2,000-3	300-1 1,000-1 400-1 2,000-3	Procedure turn W side of course, 352° outbound, 172° inbound, 2,000′ within 10 miles. Minimum altitude over facility on final approach course 1,500′. Course and distance, facility to airport, 172°—2.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, climb on a course of 172° to 2,500′, then turn right and return to Fort Knox RBn at 2,500′. Hold S of Fort Knox RBn, left hand, 2 min pattern, contact Standiford approach control for further instructions. NOTE: Procedure not authorized for civil use.
Lanesville Intersection	Fort Knox RBn	Direct	2,500					

Fort Knox, Ky.; Godman AAF Airport, elevation 753′; facility MA, identification FTK; Procedure No. 1, Amendment Original, effective date, Feb. 23, 1957

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Chatham MHW	EB-LMM	Direct	2,000	T-dn	300-1	300-1	300-1	Radar sectors may be utilized to effect the above transitions.
Newark LOM	EB-LMM	Direct	1,800	C-dn	1,000-1	1,000-1	1,000-1½	Procedure turn W side of course, 239° outbound, 059° inbound, 1,800' within 10 miles of OM.
Paterson MHW	EB-LMM	Direct	2,000	A-dn	1,000-2	1,000-2	1,000-2	Minimum altitude over EB LMM on final approach, 1,400'#.
Intersection R-128 CDW and 059 to EB LMM.	EB-LMM (final)	Direct	1,400#					#Descent to airport minimums authorized after passing OM; if OM not received maintain 1,400'.
								Course and distance, OM to airport, 059–4.1.
								Course and distance, EB-LMM to airport, 059–0.5.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing EB-LMM, make a climbing left turn to 2,000' on ADF course to Paterson MHW.

Teterboro, N. J.; Teterboro Airport, elevation 7; facility LMM, identification EB; Procedure No. 1, Amendment Original, effective date, Jan. 24, 1957

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Daytona Beach, Fla.; Daytona Beach Airport, elevation 34'; facility BVOR, identification DAB; Procedure No. 1, Amendment No. 5, effective date, June 4, 1955; supersedes Amendment No. 4, dated Jan. 5, 1954								
PROCEDURE CANCELLED JANUARY 17, 1957, DUE TO SHUTDOWN OF FACILITY FOR RELOCATION PURPOSES.								
Sauvies RBN	PDX-VOR	Direct	3,000	T-dn	300-1	300-1	**200-½	**300-1 required on runways 7-25, 11, 2-20.
PDX LFR	PDX-VOR	Direct	3,000	C-d	600-1	600-1	600-1½	All fixes within 25 miles of Portland radar may be determined by surveillance radar.
Stevenson FM	PDX-VOR	Direct	6,000	C-n	600-1	600-1	700-1½	Procedure turn W side of course, 332° outbound, 152° inbound, 3,000' within 8 miles. Not authorized beyond 8 miles.
Washougal Intersection	PDX-VOR	Direct	3,200	A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 2,500'.
Woodland FM	PDX-VOR	Direct	3,000					Course and distance, facility to airport, 161—9.1.*
La Center FM or Intersection	PDX-VOR (final)	Direct	2,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1* miles, turn right, climbing to 3,000' on R-175 within 13 miles.
								*Descent below 1,000' MSL not authorized until past PDX-LFR inbound. If PDX-LFR not received, maintain 1,000' MSL.
								CAUTION: VOR reception not available over the airport below 450' MSL.

Portland, Oreg.; Portland International Airport, elevation 23'; facility BVOR, identification PDX; Procedure No. 1, Amendment No. 1, effective date, Mar. 23, 1957; supersedes Amendment Original, dated Oct. 22, 1955

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
API VOR (ILS only)—via R-040.	Elmhurst Intersection	Direct	2,300	T-dn	300-1	300-1	200-½	Radar transition to final approach course authorized.
				C-d	@500-1	500-1	500-1½	*500-1 required with glide slope inoperative.
API VOR	NW course ILS	Direct	2,300	C-n	@500-1½	500-1½	500-1½	@On ADF approach or on ILS approach with glide slope inoperative, 400' minimums authorized provided descent below 1,100' MSL not made until past ADF bearing 020/200 MDW LFR.
API VOR	LOM	Direct	2,300	S-dn-13R	300-¾	300-¾	300-¾	
Intersection NW course ILS and R-051 API.	LOM (final)	Direct	2,300	@*ILS. S-dn-13R and 13L @ADF.	500-1	500-1	500-1	Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from MDW ILS-LOM.
Elmhurst Intersection (ILS only).	LOM (final)	Direct	2,300	A-dn ILS	600-2	600-2	600-2	Information for radar terminal area transition altitudes on Midway Radar procedure.
Elgin Intersection	LOM	Direct	2,500	ADF	800-2	800-2	800-2	Procedure turn W side of course, 312° outbound, 132° inbound, 2,300' within 10 miles.
Lake Shore Intersection	LOM	Direct	2,500					Minimum altitude at G. S. intersection inbound, 2,300' ILS, minimum altitude over LOM inbound final 1,800' ADF.
MDW LFR via course 290	NW course ILS	Direct	2,300					Altitude of G. S. and distance to approach end of runway at OM 2255—5.1, at MM 868—0.7.
CGT VOR	MDW LFR	Direct	2,000					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles of LOM (ADF), climb to 2,000' or higher altitude specified by ATC on SE course ILS (132), proceed to Gary Intersection or, if directed by ATC: 1. Make right turn, climb to 2,300' and proceed to EON VOR via R-001. 2. Climb to 2,000' and proceed via SW course MDW LFR to Lansing Intersection.
Gary VHF Intersection	MDW LFR	Direct	2,000					

Chicago, Ill.; Midway Airport, elevation 618'; facility ILS-ICHI, identification LOM-CH; Procedure No. 1, Amendment No. 13, Combination ILS-ADF, effective date, Mar. 23, 1957; supersedes Amendment No. 2, dated Apr. 21, 1956

Duluth LFR	LOM	Direct	2,600	T-dn				Procedure turn 268° outbound, 088° inbound, 2,600' within 10 miles.
Duluth VOR	LOM	Direct	2,600	C-d	500-1½	500-1½	500-1½	Minimum altitude at G. S. interception inbound, 2,600'.
				C-n	500-2	500-2	500-2	Altitude of G. S. and distance to approach end of Runway, at LOM, 2,600'—4.3 miles; at MM, 1,630'—0.7 mile.
				S-d-9	250-1	250-1	250-1	G. S. angle, 2.6°.
				S-n-9	250-1½	250-1½	250-1½	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, turn left to course of 315°, climbing to 3,000' within 20 miles; contact Duluth approach control for further instructions.
				A-dn				NOTE: USAF navigational facility—for military use only.

Duluth, Minn.; Municipal Airport, elevation 1,430'; facility ILS, identification DLH; Procedure No. 1, Amendment Original; effective date, Feb. 23, 1957

Pleasant Isle FM	LOM	Direct	1,500	T-dn*	300-1	300-1	200-½	*Take-off north on runway 1, 700-2, day and night.
				C-dn	500-1	500-1½	500-1½	Procedure turn W side course, 285° outbound, 105° inbound, 1,500' within 5 miles, 2,700' within 10 miles. Not authorized beyond 10 miles.
				S-dn-10	300-½	300-½	300-½	Minimum altitude at G. S. intersection inbound, 1,200'.
				A-dn	600-2	600-2	600-2	Altitude of G. S. and distance to approach end of runway at OM 1,130—3.9, at LFR 704—2.3, at MM 234—0.6.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4,500' on SE course GST LFR within 20 miles. Alternate missed approach: When directed by ATC, turn right and climb on NW course GST LFR to 3,000' within 10 miles.
								CAUTION: Manuevering N and E of airport not authorized due to high terrain.

Gustavus, Alaska; Gustavus Airport, elevation 28'; facility ILS, identification GST; Procedure No. 1, Amendment No. 3, effective date, Mar. 23, 1957; supersedes Amendment No. 2, dated Oct. 1, 1955

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
PIH VOR	LOM	Direct	7,000	T-dn	300-1	300-1	200-½	Procedure turn N side of NE course, 027° outbound, 207° inbound, 7,000' within 10 miles of PIH-LOM. Not authorized beyond 10 miles.
PIH LFR	LOM	Direct	7,000	C-d	500-1	600-1	600-1½	Minimum altitude at glide slope intersection inbound, 7,000' ILS. Minimum altitude over LOM inbound final—5,800' ADF.
				C-n	500-2	600-2	600-2	Altitude of glide slope and distance to approach end of runway at OM, 5,610' —3.7; at MM, 4,660'—0.6.
				S-dn-21 ILS	300-¾	300-¾	300-¾	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of LOM (ADF), climb to 6,500' on W course PIH-LFR or on R-234 PIH within 20 miles. Alternate missed approach when directed by ATC: turn right and climb to 7,500' on N course of PIH-LFR or on R-335 PIH within 20 miles.
				ADF	500-1	600-1	600-1½	
				A-dn ILS	600-2	600-2	600-2	CAUTION: High terrain SE through SW of airport.
				ADF	800-2	800-2	800-2	

Pocatello, Idaho; Municipal Airport, elevation 4,448'; facility ILS-PIH, identification LOM-PI; Procedure No. 1, Amendment No. 2, Combination ILS-ADF, effective date, Mar. 23, 1957; supersedes Amendment No. 1, dated Dec. 10, 1955

Chatham MHW via course 095.	ILS SW course	Direct	2,000	T-dn	300-1	300-1	300-1	*700-1½ required with any component of the ILS inoperative.
Newark LOM via course 348...	ILS SW course	Direct	1,800	C-dn	1,000-1	1,000-1½	1,000-1½	Radar vectors may be utilized to effect above transitions.
Paterson MHW	EB-LMM	Direct	2,000	S-dn-6*	500-1	500-1	500-1	Procedure turn W side SW course, 239° outbound, 059° inbound, 1,800' within 10 miles of OM.
Intersection R-128 CDW and SW course ILS.	ILS OM (final)	Direct	1,400	A-dn	1,000-2	1,000-2	1,000-2	Minimum altitude at G. S. intersection inbound 1,400'.
								Altitude of G. S. and distance to approach end of runway at OM 1,360—4.-; at MM 230—0.5.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1,000' on a heading of 059° turn left climb to 2,000' on ADF course to Paterson MHW.

Teterboro, N. J.; Teterboro Airport, elevation 7'; facility ILS, identification TEB; Procedure No. 1, Amendment No. 7, effective date, Mar. 23, 1957; supersedes Amendment No. 6, dated May 21, 1955

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1218; Filed, Feb. 28, 1957; 8:45 a. m.]

[Amdt. 238]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		

New York, N. Y.; International Airport, elevation 12'; facility SMRA, identification IDL; Procedure No. 2, Amendment No. 1, effective date, Dec. 8, 1956; supersedes Amendment Original, dated Feb. 1, 1954

PROCEDURE TO BE CANCELLED CONCURRENT WITH THE DECOMMISSIONING OF THE ELMONT FAN MARKER, APPROXIMATELY MARCH 30, 1957.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
New Orleans VOR	MSY-LFR	Direct	1,500	T-dn	300-1	300-1	300-1	**Radar control must provide 3 miles lateral or 1,000' vertical separation from 623' and 978' radio towers located 9 miles ESE and 13 miles E of MSY LFR. #Full weather information not available—visibility information only. Procedure turn S side of course, 272° outbound, 092° inbound, 1,400' within 10 miles. Beyond 10 miles not authorized. Minimum altitude over LFR and over Bayou St. John FM, 900'*. *If Bayou St. John FM not received, descent below 900' not authorized. Course and distance, MSY LFR to airport, 066—9.1. Course and distance, Bayou St. John FM to airport 066—2.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing Bayou St. John FM, turn right, climb to 1,500' on course of 073° from LFR within 20 miles. NOTE: Night operation not authorized runways 8-26 and 4-22. AIR CARRIER NOTE: Air carrier use not authorized.
Intersection 360 bearing to La Place MHW and W course MSY LFR.	MSY LFR (final)	Direct	900	C-dn	500-1	500-1	500-1½	
				A-dn#	NA	NA	NA	
Radar terminal area transition altitudes.	New Orleans radar	Within 20 miles	**1,500					

New Orleans, La.; New Orleans Airport, elevation 8'; facility SBRAZ, identification MSY; Procedure No. 1, Amendment No. 2, effective date, Mar. 30, 1957; supersedes Amendment No. 1, dated Feb. 19, 1955

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Harrisburg VOR	HAR-VOR	Direct	2,800	T-d	500-1	500-1	500-1	Procedure turn S side of course, 288° outbound, 108° inbound, 2,800′ within 10 miles.
Harrisburg LOM	HAR-VOR	Direct	2,800	T-n	500-2	500-2	500-2	Minimum altitude over facility on final approach course, 2,000′.
				C-dn	1,200-2	1,200-2	1,200-2	Course and distance, facility to airport, 108—7.5.
				A-dn	1,200-2	1,200-2	1,200-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles, climb to 2,000′ on R-115 within 10 miles of VOR.
								AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1,500′ or better.
								NOTE: Take-off on Runway 20 not authorized.

Harrisburg, Pa.; State Airport, elevation 347′: facility VOR, identification HAR; Procedure No. 1, Amendment No. 2, effective date Mar. 30, 1957; supersedes Amendment No. 1, dated Apr. 7, 1956

RFD-LFR	RFD-VOR	Direct	2,500	T-dn	300-1	300-1	700-½	#After passing R-042 PLL on final approach course inbound from facility—these minimums authorized only if aircraft is equipped with dual omni receivers.
				C-dn	700-1	700-1	700-1¼	
				C-dn#	400-1	500-1	500-1½	
				S-dn-12	700-1	700-1	700-1	Procedure turn S side of course, 290° outbound, 110° inbound, 2,500′ within 10 miles.
				S-dn-12#	400-1	400-1	400-1	
				A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 2,000′.
								Course and distance, facility to airport, 110°—6.0.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make right turn, climb to 2,500′ and proceed to RFD VOR, or when directed by ATC: (1) Make right turn, climb to 2,500′ and proceed to RFD "H". (2) Make left turn, climb to 2,500′ and proceed to RFD LFR.

Rockford, Ill.; Greater Rockford Airport, elevation 734′; facility BVOR, identification RFD; Procedure No. 1, Amendment Original, effective date, Mar. 14, 1957

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Idlewild LFR	IDL-VOR	Direct	1,500	T-dn	300-1	300-1	200-½	Terminal Area Radar Transition Altitudes: all directions 2,500′ within 25 miles; E of the NE-SW course of the LaGuardia LFR, 1,500′ within 15 miles.
LaGuardia LFR	IDL-VOR	Direct	1,500	C-dn	500-1	500-1	500-1½	Procedure turn #E side of course, 034° outbound, 214° inbound, 1,500′ within 10 miles.
Intersection R-034 IDL and NW course HEM LFR.	IDL-VOR (final)	Direct	1,000	S-dn-22	400-1	400-1	400-1	#Procedure turn conducted E to avoid LaGuardia traffic.
Glen Cove MHW	IDL-VOR	Direct	1,500	A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 1,000′ over ILS OM #2, 400′ over VOR.
Mitchel LFR	IDL-VOR	Direct	1,500					Course and distance, breakoff point to approach end runway 22, 223—0.4.
Scotland MHW	IDL-VOR	Direct	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1,500′ on R-223 and proceed to Scotland Intersection. Contact Idlewild Approach Control.
								CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278′ stack 1.7 miles SSE of airport. Straight-in landing minimums do not provide standard clearance over 290′ tank 4½ miles NE of the airport.

New York, N. Y.; International Airport, elevation 12′; facility VOR, identification IDL; Procedure No. TerVOR-22, Amendment No. 3, effective date, Mar. 30, 1957; supersedes Amendment No. 2, dated Dec. 6, 1956

Idlewild LFR	IDL-VOR	Direct	1,500	T-dn	300-1	300-1	200-½	Procedure turn #E side of course, 052° outbound, 232° inbound, 1,500′ within 10 miles.
LaGuardia LFR	IDL-VOR	Direct	1,500	C-dn	500-1	500-1	500-1½	#Procedure turn conducted E to avoid LaGuardia traffic.
Intersection R-052 IDL and NW course HEM LFR.	IDL-VOR (final)	Direct	1,000	S-dn-25L	400-1	400-1	400-1	Course and distance, breakoff point to approach end runway 25L, 253—0.8.
Glen Cove MHW	IDL-VOR	Direct	1,500	A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 1,000′ over ILS OM #2, 400′ over VOR.
Mitchel LFR	IDL-VOR	Direct	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1,500 on R-223 and proceed to Scotland Intersection. Contact IDL Approach Control for further instructions.
Scotland MHW	IDL-VOR	Direct	1,500					CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278′ stack 1.7 miles SSE of airport.
								NOTE: Straight-in landing minimums do not provide standard clearance over 290′ tank 4½ miles NE of the airport.

New York, N. Y.; International Airport, elevation 12′; facility VOR, identification IDL; Procedure No. TerVOR-25L, Amendment No. 3, effective date, Mar. 30, 1957; supersedes Amendment No. 2, dated Dec. 8, 1956

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
EUG-LFR	LOM	Direct	2,000	T-dn	300-1	300-1	200-½	Procedure turn E side N course, 338° outbound, 158° inbound, 2,000′ within 10 miles. Not authorized beyond 10 miles. (Nonstandard due to terrain.)
EUG-VOR	LOM	Direct	2,000	C-dn	500-1	500-1½	600-1½	Minimum altitude at G. S. intersection inbound 2,000 ILS, minimum altitude over LOM inbound final 1,600 ADF.
Cottage Grove FM (via course 320,	S course ILS	Direct	3,100	S-dn-16 ILS	300-¾	400-1	400-1	Altitude of G. S. and distance to approach end of runway at OM 1570—4.0, at MM 550—0.6.
				ADF	400-1	400-1	400-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, after passing LOM (ADF) turn right and climb to 2,000′ on N course of EUG-LFR within 10 miles, or climb to 2,000′ on R-355 within 10 miles.
				A-dn ILS	600-2	600-2	600-2	
				ADF	800-2	800-2	800-2	
Eugene, Oreg.; Mahlon Sweet Airport, elevation 365′; facility ILS-I-EUG, identification LOM-EU; Procedure No. 1, Amendment No. 11, Combination ILS-ADF, effective date, Mar. 30, 1957; supersedes Amendment No. 10, dated Oct. 29, 1955								
Fort Smith VOR	LOM	Direct	1,600	T-dn	300-1	300-1	200-½	#500-¾ when G. S. not utilized.
Intersection E course ILS and 288° bearing to Fort Smith "H".	LOM	Direct	1,600	C-d	600-1	600-1	600-1½	##All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.
				C-n	600-2	600-2	600-2	Procedure turn N side of course, 073° outbound, 253° inbound, 1,800′ within 10 miles. Beyond 10 miles NA.
Intersection E course ILS and R 090° FSM VOR.	LOM	Direct	1,600	S-dn-25# ILS	300-¾	300-¾	300-¾	Minimum altitude at G. S. intersection inbound, 1,600 ILS, minimum altitude over LOM inbound final 1,100 ADF.
				ADF	500-1	500-1	500-1	Altitude of G. S. and distance to approach end of runway at OM 1530—3.2, at MM 702—0.6.
Intersection E course ILS and 343° bearing to Fort Smith "H".	LOM	Direct	1,600	A-dn ##ILS	600-2	600-2	600-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing LOM (ADF) climb to 1,800′ on course of 253 within 15 miles, or climb to 1,800′ on R-235 FSM within 15 miles.
				ADF	800-2	800-2	800-2	NOTE: No approach lights.
Fort Smith "H"	LOM	Direct	2,200					AIR CARRIER NOTE: 300-1 required for T, O. Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in take-off or landing minima authorized for cargo and ferry flights.
Intersection E course ILS and R-110 FSM.	LOM (final)-ILS	Direct	1,600					CAUTION: Water tower 611′ 1 mile W of W end of Runway 7.
Intersection E course ILS and R-110 FSM.	LOM (final)-ADF	Direct	1,100					
Fort Smith, Ark.; Municipal Airport, elevation 460′; facility ILS-IBSM, identification LOM-FS; Procedure No. 1, Amendment No. 7, Combination ILS-ADF; effective date, Mar. 17, 1957; supersedes Amendment No. 4, dated Mar. 16, 1957								
Harrisburg LFR	LOM	Direct	2,700	T-d	500-1	500-1	500-1	Procedure turn S side W course, 259° outbound, 079° inbound, 2,700 within 10 miles.
Harrisburg VOR	LOM	Direct	2,700	T-n	500-2	500-2	500-2	Minimum altitude over LOM 2,700′. No glide slope. Distance to approach end of runway at OM 7.1, at MM 1.8.
New Kingstown FM	LOM	Direct	2,700	S-d-8	600-1½	600-1½	600-1½	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2,500′ on 079° course from LOM within 15 miles.
				S-n-8	1,000-2	1,000-2	1,000-2	AIR CARRIER NOTES: Landing on Runway 2 authorized only during daylight hours with ceiling 1,500′ or better.
				C-dn	1,000-2	1,000-2	1,000-2	NOTE: Take-off on Runway 20 not authorized.
				A-dn	1,000-2	1,000-2	1,000-2	NOTE: ADF approach not authorized.
								CAUTION: Circling minimums do not provide standard clearance over 1,130′ ridge and tower 1.6 miles S of airport.
								CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.
Harrisburg, Pa.; State Airport, elevation 374′; facility ILS, identification HAR; Procedure No. 1, Amendment No. 2; effective date, Mar. 30, 1957; supersedes Amendment No. 1, dated June 25, 1955.								

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F R Doc. 57-1532; Filed, Feb. 28, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

MISCELLANEOUS AMENDMENTS

On February 5, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 724) regarding the proposed amendment of §§ 27.14, 27.28, 27.38, 27.39, 27.62, 27.69, 27.70, 27.80, 27.82, 27.85, and 27.86, of the regulations in 7 CFR Part 27, as amended, relating to cotton classification, pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863).

After consideration of all relevant matters presented pursuant to the notice, said regulations are amended, as hereinafter stated, effective April 1, 1957, pursuant to authority contained in section 4863 of the Internal Revenue Code cited above.

The primary purposes of the amendments are to (1) provide that effective April 1, 1957, all samples classed by the Agricultural Marketing Service for cotton futures purposes shall become the property of the Government, and (2) adjust the fees charged for classification and Micronaire determination of samples.

The amendments are as follows:

1. Section 27.14 is amended to read:

§ 27.14 *Filing of classification and Micronaire determination requests.* Requests for classification shall be filed with the chairman of the board of cotton examiners through the exchange inspection agency at the point where the cotton is sampled and shall be transmitted to the chairman by the exchange inspection agency in accordance with procedure approved by the Administrator or his representative. If there is no board of cotton examiners at the point where the cotton is sampled, requests shall be filed through a supervisor of cotton inspection or the exchange inspection agency at such point, or at some other place designated in particular cases by the Administrator. Requests for classification shall be filed within 30 days after sampling and before classification of the samples. The applicant may file a request for a review of classification as part of the request for classification. The applicant may file a request for Micronaire determination as part of the request for classification or may file a request for such determination, in a form prescribed by the Service within 7 business days following the date of the first certification of the cotton involved, provided this service has not been previously performed on such cotton, and the request is made prior to delivery of the cotton on a section 4863 contract. Requests for Micronaire determinations may also be filed as provided in §§ 27.62 and 27.63.

2. Section 27.28 is amended to read:

§ 27.28 *Disposition of samples.* Samples representing bales for classification or Micronaire determination, which come into the custody of the Department of Agriculture on or after April 1, 1957, shall become the property of the Department after classification or Micronaire determination and shall be disposed of in accordance with the property regulations of the Department. Samples in the custody of the Department of Agriculture on March 31, 1957, representing bales which are covered by outstanding cotton class certificates issued pursuant to this subpart, will be retained by the Department until the certificates are surrendered for cancellation and will then be made available to the persons who surrender the certificates for cancellation.

3. Section 27.39 is amended to read:

§ 27.39 *Issuance of certificates.* Except as otherwise provided in this paragraph as soon as practicable after the classification of cotton has been completed by a board of cotton examiners the board shall issue a cotton class certificate showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the chairman of the board that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the board, the classification of the cotton according to its grade and length of staple and such other facts as the Administrator may require. As soon as practicable after the Micronaire determination of cotton has been completed by an authorized employee of the Cotton Division, upon request under this subpart, the results of such determination will be certified by the board of cotton examiners or by the Appeal Board of Review Examiners on the classification certificate for the cotton, with the date of issuance of the Micronaire determination, the name of the certifying officer, and such other facts as the Administrator may require. When a request is made for a review of classification and a Micronaire determination, at the same time as the request for initial classification, the board of cotton examiners shall notify the Appeal Board of Review Examiners of the results of the classification and the latter will review the classification and make the Micronaire determination, and notify the Board of Cotton Examiners of the results. The latter will issue a cotton class certificate over the signature of the chairman of the Appeal Board of Review Examiners, showing the results of the review classification (but not the initial classification), the Micronaire determination, the date of issuance of the certificate, and such other facts as the Administrator may require. The certificate of classification and Micronaire determination may be placed directly upon the warehouse receipt covering the cotton involved. The board of cotton examiners or the Appeal Board of Review Examiners may authorize an officer of the Service located at another point to certify the results of any classification or Micronaire determination upon the basis of information furnished by such board, notwithstanding any other provisions of this section.

4. Section 27.62 is amended to read:

§ 27.62 *Conditions for review of classification and for incidental Micronaire determination for original applicant.* The person for whom the classification of cotton has been or is to be performed under this subpart may have a review of such classification by filing a written application therefor before the delivery of such cotton on a section 4863 contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved. Such written application may be made at the same time as the request for initial classification. The written application may also include a request for Micronaire determination of the cotton if this service has not been previously performed.

5. Section 27.69 is amended to read:

§ 27.69 *Classification review; notations on certificate.* When a review of classification is made after the issuance of a cotton class certificate, the results of the review classification, the date of issuance of the review classification results, and the signature of the chairman of the Appeal Board of Review Examiners shall be entered on the cotton class certificate. Thereupon the certificate shall be returned to the person who requested the review.

6. Sections 27.70, 27.82, and 27.86 are deleted in their entirety.

7. Section 27.80 is amended to read:

§ 27.80 *Fees; classification and Micronaire determination.* For the initial classification, review of classification, Micronaire determination, and certification of cotton pursuant to this subpart, whether such cotton be tenderable or not, the person requesting these services shall pay fees as follows: (a) If the same request covers initial classification, review of classification, and Micronaire determination, and only the review of classification and Micronaire determination results are to be certified on cotton class certificates covering the cotton involved, the entire fee shall be 60 cents per bale; or (b) under all other conditions the fee for initial classification and certification shall be 25 cents per bale, the fee for review of classification and certification shall be 50 cents per bale, and the fee for Micronaire determination and certification shall be 25 cents per bale.

8. Section 27.85 is amended by deleting the words "or § 27.82."

The foregoing amendments shall become effective April 1, 1957.

(Sec. 4863, 68A Stat. 582; 26 U. S. C. 4863)

Done at Washington, D. C., this 26th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-1569; Filed, Feb. 28, 1957; 8:52 a. m.]

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

FEES FOR LABORATORY ANALYSES

A notice of proposed amendment to the regulations governing the grading and inspection of dairy products (7 CFR Part 58) was published in the FEDERAL REGISTER on February 5, 1957 (22 F. R. 725) and afforded interested persons the opportunity to submit written data, views or arguments in connection therewith. The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment provides under § 58.45 *Fees for laboratory analyses,* for a slight reduction in fees for certain laboratory tests and sets forth specific fees for certain additional laboratory tests not now included in the regulations.

After consideration of all relevant material presented and the notice of rule making, the amendment hereafter set forth is hereby promulgated to become effective April 1, 1957.

The amendment is as follows:

Change § 58.45 *Fees for laboratory analyses,* as follows:

In paragraph (a) *Dry milk, dry whey,* change one item as follows:

Moisture	1.50

Add the following item:

Bacteriological direct count	1.50

In paragraph (b) *Evaporated milk,* change one item as follows:

Fat	2.00

In paragraph (c) *Sweetened condensed milk,* change one item as follows:

Fat	2.00

In paragraph (d) *Natural cheese,* change to read as follows:

Moisture	2.00
Moisture in duplicate	3.00
Moisture in duplicate and fat (dry basis) complete	5.00
Fat (dry basis) single sample	4.00
Fat (dry basis) for each additional sample in the same shipment	3.00

In paragraph (e) *Process cheese,* change to read as follows:

Moisture	2.00
Moisture and fat (dry basis) complete	4.00

In paragraph (f) *Butter oil (milk fat),* change one item as follows:

Fat	2.00

In paragraph (g) *Butter,* change to read as follows:

Salt	.50
Moisture	1.50
Fat	2.00
Complete Kohman analysis, single sample	3.50
Complete Kohman analysis (for each additional sample in same shipment	2.50

Add the following items to paragraph (h) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor:*

Phosphatase test	1.00
Storch test	1.00

Include a new paragraph (i) *Ice cream* with items as follows:

Fat	2.00
Total solids	1.50
Bacteriological plate count	1.50
Coliform (presumptive)	1.50
Net weight	.50

Include a new paragraph (j) *Fluid milk* with items as follows:

Fat (Babcock)	1.00
Milk solids not fat	1.50
Bacteriological plate count	1.50
Bacteriological direct count	1.50
Cryoscope test for added water	1.50
Coliform (presumptive)	1.50

(60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C. this 26th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1570; Filed, Feb. 28, 1957; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6226]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

On October 12, 1956, notice of proposed rule making with respect to regulations under subchapter E, part I (relating to accounting periods), of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 7798). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted as set forth below, subject to the following changes:

PARAGRAPH 1. Section 1.441–1 (b) (3) is revised.

PAR. 2. The first sentence in § 1.441–2 (a) is revised by deleting "section 441 (c)" and inserting in lieu thereof "section 441 (f)".

PAR. 3. The second sentence in § 1.441–2 (b) (1) is revised by inserting the phrase "to the computation of tax" following the word "apply".

PAR. 4. Section 1.441–2 (c) (3) (iii) is revised by deleting the words "last occurs" and inserting in lieu thereof the word "falls".

PAR. 5. The third sentence in § 1.441–2 (c) (5) is revised by inserting the words "is not a separate taxable year but" following the words "such short period".

PAR. 6. Section 1.441–2 (d) is revised.

PAR. 7. The fourth sentence in § 1.442–1 (a) (1) is revised.

PAR. 8. Section 1.442–1 (b) is revised.

PAR. 9. Section 1.442–1 (c) (2) (i) is revised.

PAR. 10. Section 1.442–1 (c) (2) (iv) is revised.

PAR. 11. A new subparagraph (v) is inserted in paragraph (c) of § 1.442–1, after subdivision (iv) of subparagraph (2) of that paragraph.

PAR. 12. Section 1.442–1 (d) is revised.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: February 26, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

The regulations set forth below are hereby prescribed under sections 441, 442, and 443 of the Internal Revenue Code of 1954. Except as otherwise stated in the regulations, the rules are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.

1.441 Statutory provisions; period for computation of taxable income.
1.441–1 Period for computation of taxable income.
1.441–2 Election of year consisting of 52–53 weeks.
1.442 Statutory provisions; change of annual accounting period.
1.442–1 Change of annual accounting period.
1.443 Statutory provisions; returns for a period of less than 12 months.
1.443–1 Returns for periods of less than 12 months.

AUTHORITY: §§ 1.441 to 1.443–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

ACCOUNTING PERIODS

§ 1.441 *Statutory provisions; period for computation of taxable income.*

SEC. 441. *Period for computation of taxable income*—(a) *Computation of taxable income.* Taxable income shall be computed on the basis of the taxpayer's taxable year.

(b) *Taxable year.* For purposes of this subtitle, the term "taxable year" means—

(1) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(2) The calendar year, if subsection (g) applies; or

(3) The period for which the return is made, if a return is made for a period of less than 12 months.

(c) *Annual accounting period.* For purposes of this subtitle, the term "annual accounting period" means the annual period on the basis of which the taxpayer regularly computes his income in keeping his books.

(d) *Calendar year.* For purposes of this subtitle, the term "calendar year" means a period of 12 months ending on December 31.

(e) *Fiscal year.* For purposes of this subtitle, the term "fiscal year" means a period of 12 months ending on the last day of any month other than December. In the case of any taxpayer who has made the election provided by subsection (f), the term means the annual period (varying from 52 to 53 weeks) so elected.

(f) *Election of year consisting of 52–53 weeks*—(1) *General rule.* A taxpayer who, in keeping his books, regularly computes his income on the basis of an annual period which varies from 52 to 53 weeks and ends always on the same day of the week and ends always—

(A) On whatever date such same day of the week last occurs in a calendar month, or

(B) On whatever date such same day of the week falls which is nearest to the last day of a calendar month,

may (in accordance with the regulations prescribed under paragraph (3)) elect to

compute his taxable income for purposes of this subtitle on the basis of such annual period. This paragraph shall apply to taxable years ending after the date of the enactment of this title.

(2) *Special rules for 52–53-week year*—(A) *Effective dates.* In any case in which the effective date or the applicability of any provision of this title is expressed in terms of taxable years beginning or ending with reference to a specified date which is the first or last day of a month, a taxable year described in paragraph (1) shall (except for purposes of the computation under section 21) be treated—

(i) As beginning with the first day of the calendar month beginning nearest to the first day of such taxable year, or

(ii) As ending with the last day of the calendar month ending nearest to the last day of such taxable year,

as the case may be.

(B) *Change in accounting period.* In the case of a change from or to a taxable year described in paragraph (1)—

(i) If such change results in a short period (within the meaning of section 443) of 359 days or more, or of less than 7 days, section 443 (b) (relating to alternative tax computation) shall not apply;

(ii) If such change results in a short period of less than 7 days, such short period shall, for purposes of this subtitle, be added to and deemed a part of the following taxable year; and

(iii) If such change results in a short period to which subsection (b) of section 443 applies, the taxable income for such short period shall be placed on an annual basis for purposes of such subsection by multiplying such income by 365 and dividing the result by the number of days in the short period, and the tax shall be the same part of the tax computed on the annual basis as the number of days in the short period is of 365 days.

(3) *Regulations.* The Secretary or his delegate shall prescribe such regulations as he deems necessary for the application of this subsection.

(g) *No books kept; no accounting period.* Except as provided in section 443 (relating to returns for periods of less than 12 months), the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period; or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year.

§ 1.441–1 *Period for computation of taxable income*—(a) *Computation of taxable income.* Taxable income shall be computed and a return shall be made for a period known as the "taxable year." For rules relating to methods of accounting, the taxable year for which items of gross income are included and deductions are taken, inventories, and adjustments, see sections 446 to 482, inclusive, and the regulations thereunder.

(b) *Taxable year.* (1) The term "taxable year" means—

(i) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(ii) The calendar year, if section 441 (g) (relating to taxpayers who keep no books or have no accounting period) applies; or

(iii) The period for which the return is made, if the return is made under section 443 for a period of less than 12 months, referred to as a "short period."

(2) A taxable year may not cover a period of more than 12 calendar months except in the case of a 52–53-week taxable year. See § 1.441–2.

(3) A new taxpayer in his first return may adopt any taxable year which meets the requirements of section 441 and this section without obtaining prior approval. The first taxable year of a new taxpayer must be adopted on or before the time prescribed by law (not including extensions) for the filing of the return for such taxable year. However, for rules applicable to the adoption of a taxable year by a partnership, see § 1.442–1 (b) (2), section 706 (b), and § 1.706–1 (b). For rules applicable to the taxable year of a member of an affiliated group which makes a consolidated return, see §§ 1.1502–14 and 1.442–1 (d).

(4) After a taxpayer has adopted a calendar or a fiscal year, he must use it in computing his taxable income and making his returns for all subsequent years unless prior approval is obtained from the Commissioner to make a change or unless a change is otherwise permitted under the internal revenue laws or regulations. See section 442 and § 1.442–1. For rules applicable to changes in taxable years of partners and partnerships, see also section 706 (b) and § 1.706–1 (b).

(c) *Annual accounting period.* The term "annual accounting period" means the annual period (calendar year or fiscal year) on the basis of which the taxpayer regularly computes his income in keeping his books.

(d) *Calendar year.* The term "calendar year" means a period of 12 months ending on December 31. A taxpayer who has not established a fiscal year must make his return on the basis of a calendar year.

(e) *Fiscal year.* (1) The term "fiscal year" means—

(i) A period of 12 months ending on the last day of any month other than December, or

(ii) The 52–53-week annual accounting period, if such period has been elected by the taxpayer.

(2) A fiscal year will be recognized only if it is established as the annual accounting period of the taxpayer and only if the books of the taxpayer are kept in accordance with such fiscal year.

(f) *Election of year consisting of 52–53 weeks.* For rules relating to the 52–53-week taxable year, see § 1.441–2.

(g) *No books kept; no accounting period.* Except in the case of a short period under section 443, the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period (as defined in section 441 (c) and paragraph (c) of this section); or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year (as defined in section 441 (e) and paragraph (e) of this section).

For the purposes of subparagraph (1) of this paragraph, the keeping of books does not require that records be bound. Records which are sufficient to reflect income adequately and clearly on the basis of an annual accounting period will be regarded as the keeping of books. A taxpayer whose taxable year is required to be a calendar year under section 441 (g) and this paragraph may not adopt a fiscal year without obtaining prior approval from the Commissioner since such adoption is treated as a change of annual accounting period. See section 442 and § 1.442–1 (a) (2).

§ 1.441–2 *Election of year consisting of 52–53 weeks*—(a) *General rule.* Section 441 (f) provides, in general, that a taxpayer may elect to compute his taxable income on the basis of a fiscal year which—

(1) Varies from 52 to 53 weeks.

(2) Ends always on the same day of the week, and

(3) Ends always on—

(i) Whatever date this same day of the week last occurs in a calendar month, or

(ii) Whatever date this same day of the week falls which is nearest to the last day of the calendar month.

For example, if the taxpayer elects a taxable year ending always on the last Saturday in November, then for the year 1956, the taxable year would end on November 24, 1956. On the other hand, if the taxpayer had elected a taxable year ending always on the Saturday nearest to the end of November, then for the year 1956, the taxable year would end on December 1, 1956. Thus, in the case of a taxable year described in (3) (i), the year will always end within the month and may end on the last day of the month, or as many as six days before the end of the month. In the case of a taxable year described in (3) (ii), the year may end on the last day of the month, or as many as three days before or three days after the last day of the month.

(b) *Application of effective dates.* (1) For the purpose of determining the effective date for the applicability of any provision of this title which is expressed in terms of taxable years beginning or ending with reference to the first or last day of a specified calendar month, including the time for filing returns and other documents, paying tax, or performing other acts, a 52–53-week taxable year is deemed to begin on the first day of the calendar month beginning nearest to the first day of the 52–53-week taxable year, and is deemed to end or close on the last day of the calendar month ending nearest to the last day of the 52–53-week taxable year, as the case may be. The preceding sentence does not apply to the computation of the tax if subparagraph (2) of this paragraph, relating to the computation under section 21 of the effect of changes in rates of tax during a taxable year, applies. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that an income tax provision is applicable to taxable years beginning on or after January 1, 1957. For that purpose, a 52–53-week taxable year beginning on any day within the period December 26, 1956, to January 4, 1957, inclusive, shall be treated as beginning on January 1, 1957.

Example (2). Assume that an income tax provision requires that a return must be

filed on or before the 15th day of the third month following the close of the taxable year. For that purpose, a 52–53-week taxable year ending on any day during the period May 25 to June 3, inclusive, shall be treated as ending on May 31, the last day of the month ending nearest to the last day of the taxable year, and the return, therefore, must be made on or before August 15.

(2) If a change in the rate of tax is effective during a 52–53-week taxable year (other than on the first day of such year as determined under subparagraph (1) of this paragraph), the tax for the 52–53-week taxable year shall be computed in accordance with section 21, relating to effect of changes, and the regulations thereunder. For the purpose of the computation under section 21, the determination of the number of days in the period before the change, and in the period on and after the change, is to be made without regard to the provisions of subparagraph (1) of this paragraph. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume a change in the rate of tax is effective for taxable years beginning after June 30, 1956. For a 52–53-week taxable year beginning on Wednesday, November 2, 1955, the tax must be computed on the basis of the old rates for the actual number of days, from November 2, 1955, to June 30, 1956, inclusive, and on the basis of the new rates for the actual number of days from July 1, 1956, to Tuesday, October 30, 1956, inclusive.

Example (2). Assume a change in the rate of tax for taxable years beginning after June 30. For this purpose, a 52–53-week taxable year beginning on any of the days from June 25 to July 4, inclusive, is treated as beginning on July 1. Therefore, no computation under section 21 will be required for such year because of the change in rate.

(c) *Adoption of or change to or from 52–53-week taxable year.* (1) A new taxpayer may adopt the 52–53-week taxable year for his first taxable year if he keeps his books and computes his income on that basis, or if he conforms his books accordingly in closing them. The taxpayer must thereafter keep his books and report his income on the basis of the 52–53-week taxable year so adopted unless prior approval for a change is obtained from the Commissioner. See subparagraph (4) of this paragraph. The taxpayer shall file with his return for his first taxable year a statement containing the information required in subparagraph (3) of this paragraph. A newly-formed partnership may adopt a 52–53-week taxable year without the permission of the Commissioner only if such a year ends either with reference to the same month in which the taxable years of all its principal partners end or with reference to the month of December. See § 1.706–1 (b) (1).

(2) A taxpayer, including a partnership, may change to a 52–53-week taxable year without the permission of the Commissioner if the 52–53-week taxable year ends with reference to the end of the same calendar month as that in which the former taxable year ended, and if the taxpayer keeps his books and computes his income for the year of change on the basis of such 52–53-week taxable year, or if he conforms his books accordingly in closing them. The taxpayer must continue to keep his books and compute his income on the basis of such 52–53-week taxable year unless prior approval for a change is obtained. See subparagraph (4) of this paragraph. The taxpayer shall indicate his election to change to such 52–53-week taxable year by a statement filed with his return for the first taxable year for which the election is made. This statement shall contain the information required in subparagraph (3) of this paragraph.

(3) The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(i) The calendar month with reference to which the new 52–53-week taxable year ends;

(ii) The day of the week on which the 52–53-week taxable year always will end; and

(iii) Whether the 52–53-week taxable year will always end on (*a*) the date on which such day of the week falls in the calendar month, or (*b*) on the date on which such day of the week last occurs which is nearest to the last day of such calendar month.

(4) Where a taxpayer wishes to change to a 52–53-week taxable year and, in addition, wishes to change the month with reference to which the taxable year ends, or where a taxpayer wishes to change from a 52–53-week taxable year, he must obtain prior approval from the Commissioner, as provided in section 442 and §1.442–1.

(5) If a change from or to a 52–53-week taxable year results in a short period (within the meaning of section 443) of 359 days or more, or six days or less, the tax computation under section 443 (b) shall not apply. If the short period is 359 days or more, it shall be treated as a full taxable year. If the short period is six days or less, such short period is not a separate taxable year but shall be added to and deemed a part of the following taxable year. (In the case of a change from or to a 52–53-week taxable year not involving a change of the month with reference to which the taxable year ends, the tax computation under section 443 (b) does not apply since the short period will always be 359 days or more, or six days or less.) In the case of a short period which is more than six days, but less than 359 days, taxable income for the short period shall be placed on an annual basis for the purpose of section 443 (b) by multiplying such income by 365 and dividing the result by the number of days in the short period. In such case, the tax for the short period shall be the same part of the tax computed on such income placed on an annual basis as the number of days in the short period is of 365 days (unless section 443 (b) (2) and § 1.443–1 (b) (2), relating to the alternative tax computation, apply). For adjustment in deduction for personal exemption, see section 443 (c) and § 1.443–1 (b) (1) (v).

(6) The provisions of subparagraph (5) are illustrated by the following examples:

Example (1). A taxpayer having a fiscal year ending April 30 elects for years beginning after April 30, 1955, a 52–53-week taxable year ending on the last Saturday in April. This election involves a short period of 364 days, from May 1, 1955, to April 28, 1956, inclusive. Since this short period is 359 days or more, it is not placed on an annual basis and is treated as a full taxable year.

Example (2). Assume the same conditions as in example (1), except that the taxpayer elects for years beginning after April 30, 1955, a taxable year ending on the Tuesday nearest to April 30. This election involves a short period of three days, from May 1 to May 3, 1955. Since this short period is less than seven days, tax is not separately computed for it. This short period is added to and deemed part of the following 52-week taxable year which would otherwise begin on May 4, 1955, and end on May 1, 1956. Thus, that taxable year is deemed to begin on May 1, 1955, and end on May 1, 1956.

(d) *Computation of taxable income.* The principles of section 451, relating to the taxable year for inclusion of items of gross income, and section 461, relating to the taxable year for taking deductions, are generally applicable to 52–53-week taxable years. Thus, items of income and deductions are determined on the basis of a 52–53-week taxable year, except that such items may be determined as though the 52–53-week taxable year were a taxable year consisting of 12 calendar months if such practice is consistently followed by the taxpayer and if income is clearly reflected thereby. In the case of depreciation, unless some other practice is consistently followed, the allowance shall be determined as though the 52–53-week year were a taxable year consisting of 12 calendar months. Amortization deductions for the taxable year shall be determined as though the 52–53-week year were a taxable year consisting of 12 calendar months.

(e) *Taxable years beginning before January 1, 1954, and ending after August 16, 1954.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this section relating to taxable years consisting of 52–53 weeks, shall also apply to taxable years beginning before January 1, 1954, and ending after August 16, 1954, which years are subject to the Internal Revenue Code of 1939.

§ 1.442 *Statutory provisions; change of annual accounting period.*

SEC. 442. *Change of annual accounting period.* If a taxpayer changes his annual accounting period, the new accounting period shall become the taxpayer's taxable year only if the change is approved by the Secretary or his delegate. For purposes of this subtitle, if a taxpayer to whom section 441 (g) applies adopts an annual accounting period (as defined in section 441 (c)) other than a calendar year, the taxpayer shall be treated as having changed his annual accounting period.

§ 1.442–1 (a) *Change of annual accounting period—(1) In general.* If a taxpayer wishes to change his annual accounting period (as defined in section 441 (c)) and adopt a new taxable year (as defined in section 441 (b)), he must obtain prior approval from the Commissioner by application, as provided in paragraph (b) of this section, or the change must be authorized under the Income Tax Regulations. A new taxpayer who adopts an annual accounting period as provided in section 441 and

§§ 1.441–1 or 1.441–2 need not secure the permission of the Commissioner under section 442 and this section. However, see subparagraph (2) of this paragraph. For adoption of and changes to or from a 52–53-week taxable year, see section 441 (f) and § 1.441–2; for adoption of and changes in the taxable years of partners and partnerships, see paragraph (b) (2) of this section, section 706 (b) and § 1.706–1 (b); for special rules relating to certain corporations, subsidiary corporations, and newly married couples, see paragraphs (c), (d), and (e), respectively, of this section.

(2) *Taxpayers to whom section 441 (g) applies.* Section 441 (g) provides that if a taxpayer keeps no books, does not have an annual accounting period, or has an accounting period which does not meet the requirements for a fiscal year, his taxable year shall be the calendar year. If section 441 (g) applies to a taxpayer, the adoption of a fiscal year will be treated as a change in his annual accounting period under section 442. Therefore, such fiscal year can become the taxpayer's taxable year only with the approval of the Commissioner. Approval of any such change will be denied unless the taxpayer agrees in his application to establish and maintain accurate records of his taxable income for the short period involved in the change and for the fiscal year proposed. The keeping of records which adequately and clearly reflect income for the taxable year constitutes the keeping of books within the meaning of section 441 (g) and § 1.441–1 (g).

(b) *Prior approval of the Commissioner*—(1) *In general.* In order to secure prior approval of a change of a taxpayer's annual accounting period, the taxpayer must file an application on Form 1128 with the Commissioner of Internal Revenue, Washington 25, D. C., on or before the last day of the month following the close of the short period for which a return is required to effect the change of accounting period. In general, a change of annual accounting period will be approved where the taxpayer establishes a substantial business purpose for making the change. In determining whether a taxpayer has established a substantial business purpose for making the change, consideration will be given to all the facts and circumstances relating to the change, including the tax consequences resulting therefrom. If the effect of the change is to defer a substantial portion of the taxpayer's income, or to shift a substantial portion of deductions, from one year to another so as to reduce substantially the tax liability of the taxpayer, the change will ordinarily not be approved. Further, approval will ordinarily be denied if the effect of the change is to cause a similar deferral or shifting in the case of another taxpayer, such as a partner, beneficiary, etc., so as to reduce substantially such other taxpayer's tax liability. In addition, a change will ordinarily not be approved if the short period resulting from the change is one in which there is a net operating loss. Among the non-tax factors that will be considered in determining whether a substantial business purpose has been established is the effect of the change on the taxpayer's annual cycle of business activity. However, even though a substantial business purpose is not established, the Commissioner in appropriate cases may permit a husband and wife to change his or her taxable year in order to secure the benefits of section 2 (relating to tax in case of joint return). See paragraph (e) of this section for special rule for newly married couples.

(2) *Partnerships and partners.* (i) A newly-formed partnership may adopt a taxable year which is the same as the taxable year of all its principal partners (or is the same taxable year to which its principal partners who do not have such taxable year concurrently change) without securing prior approval from the Commissioner. If all its principal partners are not on the same taxable year, a newly-formed partnership may adopt a calendar year without securing prior approval from the Commissioner. If a newly-formed partnership wishes to adopt a taxable year that does not qualify under the preceding two sentences, the adoption of such year requires the prior approval of the Commissioner in accordance with section 706 (b) (1) and § 1.706–1 (b). An existing partnership may change its taxable year without securing prior approval from the Commissioner if all its principal partners have the same taxable year to which the partnership changes, or if all its principal partners who do not have such a taxable year concurrently change to such taxable year. In any other case, an existing partnership may not change its taxable year unless it secures the prior approval of the Commissioner in accordance with paragraph (b) (1) of this section and section 706 (b) (1) and § 1.706–1 (b).

(ii) A partner may change his taxable year only if he secures the prior approval of the Commissioner in accordance with paragraph (b) (1) of this section.

(c) *Special rule for certain corporations.* (1) A corporation may change its annual accounting period without the prior approval of the Commissioner if all the conditions in subparagraph (2) of this paragraph are met, and if the corporation files a statement with the district director of internal revenue with whom the returns of the corporation are filed at or before the time (including extensions) for filing the return for the short period required by such change. This statement shall indicate that the corporation is changing its annual accounting period under § 1.442–1 (c) and shall contain information indicating that all of the conditions in subparagraph (2) of this paragraph have been met.

(2) The provisions of this paragraph do not apply unless all of the following conditions are met:

(i) The corporation has not changed its annual accounting period at any time within the ten calendar years ending with the calendar year which includes the beginning of the short period required to effect the change of annual accounting period;

(ii) The short period required to effect the change of annual accounting period is not a taxable year in which the corporation has a net operating loss as defined in section 172;

(iii) The taxable income of the corporation for the short period required to effect the change of annual accounting period is, if placed on an annual basis (see § 1.443–1 (b) (1) (i) and (ii)), 80 percent or more of the taxable income of the corporation for the taxable year immediately preceding such short period; and

(iv) If a corporation had a special status (described in the following sentence) either for the short period or for the taxable year immediately preceding such short period, it must have the same special status for both the short period and such taxable year. For the purpose of the preceding sentence, special status includes only: a personal holding company, a foreign personal holding company, a corporation which is an exempt organization, a foreign corporation not engaged in trade or business within the United States, a Western Hemisphere trade corporation, and a China Trade Act corporation.

(3) If the Commissioner finds upon examination of the returns that the corporation, because of subsequent adjustments in establishing tax liability, did not in fact meet all the conditions in subparagraph (2) of this paragraph, the statement filed under subparagraph (1) of this paragraph shall be considered as a timely application for permission to change the corporation's annual accounting period to the taxable year indicated in the statement.

(d) *Special rule for change of annual accounting period by subsidiary corporation.* A subsidiary corporation which is required to change its annual accounting period under § 1.1502–14, relating to the accounting period of an affiliated group which files a consolidated income tax return, may do so by filing Form 1128 with the district director with whom the consolidated return is filed. Such form shall be filed in accordance with that section. See also §§ 1.1502–13 (h) and 1.1502–32.

(e) *Special rule for newly married couples.* (1) A newly married husband or wife may change his or her annual accounting period in order to adopt the annual accounting period of the other spouse so that a joint return may be filed for the first or second taxable year of such spouse ending after the date of marriage, provided that the newly married husband or wife adopting the annual accounting period of the other spouse files a return for the short period required by such change on or before the 15th day of the 4th month following the close of such short period. See section 443 and the regulations thereunder. (If the due date for any such short-period return occurs before the date of marriage, the first taxable year of the other spouse ending after the date of marriage cannot be adopted under this paragraph.) The short-period return shall contain a statement that it is filed under authority of § 1.442–1 (e). For a change of annual accounting period by a husband or wife which does not qualify under this subparagraph, see paragraph (b) of this section.

(2) The provisions of this paragraph may be illustrated by the following example:

Example. H & W marry on September 25, 1956. H is on a fiscal year ending June 30, and W is on a calendar year. H wishes to change to a calendar year in order to file joint returns with W. W's first taxable year after marriage ends on December 31, 1956. H may not change to a calendar year for 1956 since, under § 1.442–1 (e), he would have had to file a return for the short period from July 1 to December 31, 1955, by April 15, 1956. Since the date of marriage occurred subsequent to this due date, the return could not be filed under § 1.442–1 (e). Therefore, H cannot change to a calendar year for 1956. However, H may change to a calendar year for 1957 by filing a return under § 1.442–1 (e) by April 15, 1957, for the short period from July 1 to December 31, 1956. If H files such a return, H and W may file a joint return for calendar year 1957 (which is W's second taxable year ending after the date of marriage).

(f) *Effective date.* The provisions of this section (other than paragraph (e) thereof) are effective for any change of annual accounting period where the last day of the short period to effect the change ends on or after the date the regulations under section 442 are published in the FEDERAL REGISTER.

§ 1.443 *Statutory provisions; returns for a period of less than 12 months.*

SEC. 443 *Returns for a period of less than 12 months*—(a) *Returns for short period.* A return for a period of less than 12 months (referred to in this section as "short period") shall be made under any of the following circumstances:

(1) *Change of annual accounting period.* When the taxpayer, with the approval of the Secretary or his delegate, changes his annual accounting period. In such a case, the return shall be made for the short period beginning on the day after the close of the former taxable year and ending at the close of the day before the day designated as the first day of the new taxable year.

(2) *Taxpayer not in existence for entire taxable year.* When the taxpayer is in existence during only part of what would otherwise be his taxable year.

(3) *Termination of taxable year for jeopardy.* When the Secretary or his delegate terminates the taxpayer's taxable year under section 6851 (relating to tax in jeopardy).

(b) *Computation of tax on change of annual accounting period*—(1) *General rule.* If a return is made under paragraph (1) of subsection (a), the taxable income for the short period shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. The tax shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months.

(2) *Exception*—(A) *Computation based on 12-month period.* If the taxpayer applies for the benefits of this paragraph and establishes the amount of his taxable income for the 12-month period described in subparagraph (B), computed as if that period were a taxable year and under the law applicable to that year, then the tax for the short period, computed under paragraph (1), shall be reduced to the greater of the following:

(i) An amount which bears the same ratio to the tax computed on the taxable income for the 12-month period as the taxable income computed on the basis of the short period bears to the taxable income for the 12-month period; or

(ii) The tax computed on the taxable income for the short period without placing the taxable income on an annual basis.

The taxpayer (other than a taxpayer to whom subparagraph (B) (ii) applies) shall compute the tax and file his return without the application of this paragraph.

(B) *12-month period.* The 12-month period referred to in subparagraph (A) shall be—

(i) The period of 12 months beginning on the first day of the short period, or

(ii) The period of 12 months ending at the close of the last day of the short period, if at the end of the 12 months referred to in clause (i) the taxpayer is not in existence or (if a corporation) has theretofore disposed of substantially all of its assets.

(C) *Application for benefits.* Application for the benefits of this paragraph shall be made in such manner and at such time as the regulations prescribed under subparagraph (D) may require; except that the time so prescribed shall not be later than the time (including extensions) for filing the return for the first taxable year which ends on or after the day which is 12 months after the first day of the short period. Such application, in case the return was filed without regard to this paragraph, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under this paragraph.

(D) *Regulations.* The Secretary or his delegate shall prescribe such regulations as he deems necessary for the application of this paragraph.

(c) *Adjustment in deduction for personal exemption.* In the case of a taxpayer other than a corporation, if a return is made for a short period by reason of subsection (a) (1) and if the tax is not computed under subsection (b) (2), then the exemptions allowed as a deduction under section 151 (and any deduction in lieu thereof) shall be reduced to amounts which bear the same ratio to the full exemptions as the number of months in the short period bears to 12.

(d) *Cross references.* For inapplicability of subsection (b) in computing—

(1) Accumulated earnings tax, see section 536.

(2) Personal holding company tax, see section 546.

(3) Undistributed foreign personal holding company income, see section 557.

(4) The taxable income of a regulated investment company, see section 852 (b) (2) (E).

§ 1.443–1 *Returns for periods of less than 12 months*—(a) *Returns for short period.* A return for a short period, that is, for a taxable year consisting of a period of less than 12 months, shall be made under any of the following circumstances:

(1) *Change of annual accounting period.* In the case of a change in the annual accounting period of a taxpayer, a separate return must be filed for the short period of less than 12 months beginning with the day following the close of the old taxable year and ending with the day preceding the first day of the new taxable year. However, such a return is not required for a short period of six days or less, or 359 days or more, resulting from a change from or to a 52–53-week taxable year. See section 441 (f) and § 1.441–2. The computation of the tax for a short period required to effect a change of annual accounting period is described in paragraph (b) of this section. In general, a return for a short period resulting from a change of annual accounting period shall be filed and the tax paid within the time prescribed for filing a return for a taxable year of 12 months ending on the last day of the short period. For a subsidiary corporation required to change its annual accounting period under § 1.1502–14, see §§ 1.1502–13, 1.1502–32, and 1.442–1 (d).

(2) *Taxpayer not in existence for entire taxable year.* If a taxpayer is not in existence for the entire taxable year, a return is required for the short period during which the taxpayer was in existence. For example, a corporation organized on August 1 and adopting the calendar year as its annual accounting period is required to file a return for the short period from August 1 to December 31, and returns for each calendar year thereafter. Similarly, a dissolving corporation which files its returns for the calendar year is required to file a return for the short period from January 1 to the date it goes out of existence. Income for the short period is not required to be annualized if the taxpayer is not in existence for the entire taxable year, and, in the case of a taxpayer other than a corporation, the deduction under section 151 for personal exemptions (or deductions in lieu thereof) need not be reduced under section 443 (c). In general, the requirements with respect to the filing of returns and the payment of tax for a short period where the taxpayer has not been in existence for the entire taxable year are the same as for the filing of a return and the payment of tax for a taxable year of 12 months ending on the last day of the short period. Although the return of a decedent is a return for the short period beginning with the first day of his last taxable year and ending with the date of his death, the filing of a return and the payment of tax for a decedent may be made as though the decedent had lived throughout his last taxable year.

(3) *Termination of taxable year for jeopardy.* A return must be filed for a short period resulting from the termination by the Commissioner of a taxpayer's taxable year for jeopardy. See section 6851 and the regulations thereunder.

(b) *Computation of tax for short period on change of annual accounting period*—(1) *General rule.* (i) If a return is made for a short period resulting from a change of annual accounting period, the taxable income for the short period shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. Unless section 443 (b) (2) and subparagraph (2) of this paragraph apply, the tax for the short period shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months.

(ii) If a return is made for a short period of more than 6 days, but less than 359 days, resulting from a change from or to a 52–53-week taxable year, the taxable income for the short period shall be annualized and the tax computed on a daily basis, as provided in section 441 (f) (2) (B) (iii) and § 1.441–2 (c) (5).

(iii) For method of computation of income for a short period in the case of a subsidiary corporation required to change its annual accounting period to conform to that of its parent, see §§ 1.1502–32 and 1.1502–14.

(iv) An individual taxpayer making a return for a short period resulting from a change of annual accounting period is not allowed to take the standard deduction provided in section 141 in computing his taxable income for the short period. See section 142 (b) (3).

(v) In computing the taxable income of a taxpayer other than a corporation for a short period (which income is to be annualized in order to determine the tax under section 443 (b) (1)) the personal exemptions allowed individuals under section 151 (and any deductions allowed other taxpayers in lieu thereof, such as the deduction under section 642 (b)) shall be reduced to an amount which bears the same ratio to the full amount of the exemptions as the number of months in the short period bears to 12. In the case of the taxable income for a short period resulting from a change from or to a 52–53-week taxable year to which section 441 (f) (2) (B) (iii) applies, the computation required by the preceding sentence shall be made on a daily basis, that is, the deduction for personal exemptions (or any deduction in lieu thereof) shall be reduced to an amount which bears the same ratio to the full deduction as the number of days in the short period bears to 365.

(vi) If the amount of a credit against the tax (for example, the credits allowable under sections 34 and 35 for dividends received and for partially tax-exempt interest, respectively) is dependent upon the amount of any item of income or deduction, such credit shall be computed upon the amount of the item annualized separately in accordance with the foregoing rules. The credit so computed shall be treated as a credit against the tax computed on the basis of the annualized taxable income. In any case in which a limitation on the amount of a credit is based upon taxable income, taxable income shall mean the taxable income computed on the annualized basis.

(vii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A taxpayer with one dependent who has been granted permission under section 442 to change his annual accounting period files a return for the short period of 10 months ending October 31, 1956. He has income and deductions as follows:

Income		
Interest income		$10,000.00
Partially tax-exempt interest with respect to which a credit is allowable under section 35		500.00
Dividends to which sections 34 and 116 are applicable		750.00
		11,250.00
Deductions		
Real estate taxes		200.00
2 personal exemptions at $600 on an annual basis		1,200.00
The tax for the 10-month period is computed as follows:		
Total income as above		$11,250.00
Less:		
Exclusion for dividends received	$50.00	
2 personal exemptions ($1,200×10/12)	1,000.00	
Real estate taxes	200.00	
		1,250.00
Taxable income for 10-month period before annualizing		10,000.00
Taxable income annualized (10,000×12/10)		12,000.00
Tax on $12,000 before credits		3,400.00
Deduct credits:		
Dividends received for 10-month period	$750.00	
Less: Excluded portion	50.00	
Included in gross income	700.00	
Dividend income annualized ($700×12/10)	840.00	
Credit (4 percent of $840)	$33.60	
Partially tax-exempt interest included in gross income for 10-month period	500.00	
Partially tax-exempt interest (annualized) ($500×12/10)	600.00	
Credit (3 percent of $600)	18.00	
		51.60
Tax on $12,000 (after credits)		3,348.40
Tax for 10-month period ($3,348.40×10/12)		2,790.33

Example (2). The X Corporation makes a return for the one-month period ending September 30, 1956, because of a change in annual accounting period permitted under section 442. Income and expenses for the short period are as follows:

Gross operating income	$126,000
Business expenses	130,000
Net loss from operations	(4,000)
Dividends received from taxable domestic corporations	$30,000
Gross income for short period before annualizing	26,000
Dividends received deduction (85 percent of $30,000, but not in excess of 85 percent of $26,000)	22,100
Taxable income for short period before annualizing	3,900
Taxable income annualized ($3,900×12)	$46,800
Tax on annual basis:	
$46,800 at 52 percent	$24,336
Less surtax exemption	5,500
	18,836
Tax for 1-month period ($18,836×1/12)	1,570

Example (3). The Y Corporation makes a return for the six-month period ending June 30, 1957, because of a change in annual accounting period permitted under section 442. Income for the short period is as follows:

Taxable income exclusive of net long-term capital gain		$40,000
Net long-term capital gain		10,000
Taxable income for short period before annualizing		50,000
Taxable income annualized ($50,000×12/6)		100,000
Regular tax computation		
Taxable income annualized		100,000
Tax on annual basis:		
$100,000 at 52 percent	$52,000	
Less surtax exemption	5,500	
		46,500
Tax for 6-month period ($46,500×6/12)		23,250
Alternative tax computation		
Taxable income annualized		100,000
Less annualized capital gain ($10,000×12/6)		20,000
Annualized taxable income subject to partial tax		80,000
Partial tax on annual basis		
$80,000 at 52 percent	$41,600	
Less surtax exemption	5,500	
		36,100
25 percent of annualized capital gain ($20,000)		5,000
Alternative tax on annual basis		41,100
Alternative tax for 6-month period ($41,100×6/12)		20,550

Since the alternative tax of $20,550 is less than the tax computed in the regular manner ($23,250), the corporation's tax for the 6-month short period is $20,550.

(2) *Exception: computation based on 12-month period.* (i) A taxpayer whose tax would otherwise be computed under section 443 (b) (1) (or section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year) for the short period resulting from a change of annual accounting period may apply to the district director to have his tax computed under the provisions of section 443 (b) (2) and this subparagraph. If such application is made, as provided in subdivision (v) of this subparagraph, and if the taxpayer establishes the amount of his taxable income for the 12-month period described in subdivision (ii) of this subparagraph, then the tax for the short period shall be the greater of the following—

(*a*) An amount which bears the same ratio to the tax computed on the taxable income which the taxpayer has established for the 12-month period as the taxable income computed on the basis of the short period bears to the taxable income for such 12-month period; or

(*b*) The tax computed on the taxable income for the short period without plac-

ing the taxable income on an annual basis.

However, if the tax computed under section 443 (b) (2) and this subparagraph is not less than the tax for the short period computed under section 443 (b) (1) (or section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year), then section 443 (b) (2) and this subparagraph do not apply.

(ii) The term "12-month period" referred to in subdivision (i) of this subparagraph means the 12-month period beginning on the first day of the short period. However, if the taxpayer is not in existence at the end of such 12-month period, or if the taxpayer is a corporation which has disposed of substantially all of its assets before the end of such 12-month period, the term "12-month period" means the 12-month period ending at the close of the last day of the short period. For the purposes of the preceding sentence, a corporation which has ceased business and distributed so much of the assets used in its business that it cannot resume its customary operations with the remaining assets, will be considered to have disposed of substantially all of its assets. In the case of a change from a 52–53-week taxable year, the term "12-month period" means the period of 52 or 53 weeks (depending on the taxpayer's 52–53-week taxable year) beginning on the first day of the short period.

(iii) (*a*) The taxable income for the 12-month period is computed under the same provisions of law as are applicable to the short period and is computed as if the 12-month period were an actual annual accounting period of the taxpayer. All items which fall in such 12-month period must be included even if they are extraordinary in amount or of an unusual nature. If the taxpayer is a member of a partnership, his taxable income for the 12-month period shall include his distributive share of partnership income for any taxable year of the partnership ending within or with such 12-month period, but no amount shall be included with respect to a taxable year of the partnership ending before or after such 12-month period. If any other item partially applicable to such 12-month period can be determined only at the end of a taxable year which includes only part of the 12-month period, the taxpayer, subject to review by the Commissioner, shall apportion such item to the 12-month period in such manner as will most clearly reflect income for the 12-month period.

(*b*) In the case of a taxpayer permitted or required to use inventories, the cost of goods sold during a part of the 12-month period included in a taxable year shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for such part of the 12-month period is of the gross receipts from sales for the entire taxable year. For example, the 12-month period of a corporation engaged in the sale of merchandise, which has a short period from January 1, 1956, to September 30, 1956, is the calendar year 1956. The three-month period, October 1, 1956, to December 31, 1956, is part of the taxpayer's taxable year ending September 30, 1957. The cost of goods sold during the three-month period, October 1, 1956, to December 31, 1956, is such part of the cost of goods sold during the entire fiscal year ending September 30, 1957, as the gross receipts from sales for such three-month period are of the gross receipts from sales for the entire fiscal year.

(*c*) The Commissioner may, in granting permission to a taxpayer to change his annual accounting period, require, as a condition to permitting the change, that the taxpayer must take a closing inventory upon the last day of the 12-month period if he wishes to obtain the benefits of section 443 (b) (2). Such closing inventory will be used only for the purposes of section 443 (b) (2), and the taxpayer will not be required to use such inventory in computing the taxable income for the taxable year in which such inventory is taken.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). The taxpayer in example (1) under paragraph (b) (1) establishes his taxable income for the 12-month period from January 1, 1956, to December 31, 1956. The taxpayer has a short period of 10 months, from January 1, 1956, to October 31, 1956. The taxpayer files an application in accordance with subdivision (v) of this subparagraph to compute his tax under section 443 (b) (2). The taxpayer's income and deductions for the 12-month period, as so established, follow:

Income		
Interest income		$11,000
Partially tax-exempt interest with respect to which a credit is allowable under section 35		600
Dividends to which sections 34 and 116 are applicable		850
		12,450
Deductions		
Real estate taxes		200
2 personal exemptions at $600		1,200
Tax computation for short period under section 443 (b) (2) (A) (i)		
Total income as above		12,450
Less:		
Exclusion for dividends received	$50	
Personal exemptions	1,200	
Deduction for taxes	200	
		1,450
Taxable income for 12-month period		11,000
Tax before credits		3,020
Credit for partially tax-exempt interest (3 percent of $600)	$18	
Credit for dividends received (4 percent of ($850−50))	32	
		50
Tax under section 443 (b) (2) (A) (i) for 12-month period		2,970
Taxable income for 10-month short period from example (1) of paragraph (b) (1) before annualizing		10,000
Tax for short period under section 443 (b) (2) (A) (i) ($2,970× $10,000 (taxable income for short period)/$11,000 (taxable income for 12-month period))		2,700

Tax computation for short period under section 443 (b) (2) (A) (ii)

Total income for 10-month short period		$11,250
Less:		
Exclusion for dividends received	$50	
2 personal exemptions	1,200	
Real estate taxes	200	
		1,450
Taxable income for short period without annualizing and without proration of personal exemptions		9,800
Tax before credits		2,572
Less credits:		
Partially tax-exempt interest (3 percent of $500)	$15	
Dividends received (4 percent of ($750−50))	28	
		43
Tax for short period under section 443 (b) (2) (A) (ii)		2,529

The tax of $2,700 computed under section 443 (b) (2) (A) (i) is greater than the tax of $2,529, computed under section 443 (b) (2) (A) (ii), and is, therefore, the tax under section 443 (b) (2). Since the tax of $2,700 (computed under section 443 (b) (2)) is less than the tax of $2,790.33 (computed under section 443 (b) (1)) on the annualized income of the short period (see example (1) of paragraph (b) (1)), the taxpayer's tax for the 10-month short period is $2,700.

Example (2). Assume the same facts as in example (1) of this subdivision, except that, during the month of November 1956, the taxpayer suffered a casualty loss of $5,000. The tax computation for the short period under section 443 (b) (2) would be as follows:

Tax computation for short period under section 443 (b) (2) (A) (i)

Taxable income for 12-month period from example (1)		$11,000
Less: Casualty loss		5,000
Taxable income for 12-month period		6,000
Tax before credits	$1,360	
Credits from example (1)	50	
Tax under section 443 (b) (2) (A) (i) for 12-month period		1,310
Tax for short period ($1,310× $10,000/$6,000) under section 443 (b) (2) (A) (i)		2,183

Tax computation for short period under section 443 (b) (2) (A) (ii)

Total income for the short period		$11,250
Less:		
Exclusion for dividends received	$50	
2 personal exemptions	1,200	
Real estate taxes	200	
		1,450
Taxable income for short period without annualizing and without proration of personal exemptions		9,800
Tax before credits		2,572
Less credits:		
Partially tax-exempt interest (3 percent of $500)	$15	
Dividends received (4 percent of $750 −50))	28	
		43
Tax for short period under section 443 (b) (2) (A) (ii)		2,529

The tax of $2,529, computed under section 443 (b) (2) (A) (ii) is greater than the tax

of $2,183 computed under section 443 (b) (2) (A) (i) and is, therefore, the tax under section 443 (b) (2). Since this tax is less than the tax of $2,790.33, computed under section 443 (b) (1) (see example (1) of paragraph (b) (1)), the taxpayer's tax for the 10-month short period is $2,529.

(v) (*a*) A taxpayer who wishes to compute his tax for a short period resulting from a change of annual accounting period under section 443 (b) (2) must make an application therefor. Except as provided in subdivision (*b*), the taxpayer shall first file his return for the short period and compute his tax under section 443 (b) (1). The application for the benefits of section 443 (b) (2) shall subsequently be made in the form of a claim for credit or refund. The claim shall set forth the computation of the taxable income and the tax thereon for the 12-month period and must be filed not later than the time (including extensions) prescribed for filing the return for the taxpayer's first taxable year which ends on or after the day which is 12 months after the beginning of the short period. For example, assume that a taxpayer changes his annual accounting period from the calendar year to a fiscal year ending September 30, and files a return for the short period from January 1, 1956, to September 30, 1956. His application for the benefits of section 443 (b) (2) must be filed not later than the time prescribed for filing his return for his first taxable year which ends on or after the last day of December 1956, the twelfth month after the beginning of the short period. Thus, the taxpayer must file his application not later than the time prescribed for filing the return for his fiscal year ending September 30, 1957. If he obtains an extension of time for filing the return for such fiscal year, he may file his application during the period of such extension. If the district director determines that the taxpayer has established the amount of his taxable income for the 12-month period, any excess of the tax paid for the short period over the tax computed under section 443 (b) (2) will be credited or refunded to the taxpayer in the same manner as in the case of an overpayment.

(*b*) If at the time the return for the short period is filed, the taxpayer is able to determine that the 12-month period ending with the close of the short period (see section 443 (b) (2) (B) (ii) and subparagraph (2) (ii) of this paragraph) will be used in the computations under section 443 (b) (2), then the tax on the return for the short period may be determined under the provisions of section 443 (b) (2). In such case, a return covering the 12-month period shall be attached to the return for the short period as a part thereof, and the return and attachment will then be considered as an application for the benefits of section 443 (b) (2).

(c) *Adjustment in deduction for personal exemption.* For adjustment in the deduction for personal exemptions in computing the tax for a short period resulting from a change of annual accounting period under section 443 (b) (1) (or under section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year), see paragraph (b) (1) (v) of this section.

(d) *Cross references.* For inapplicability of section 443 (b) and paragraph (b) of this section in computing—

(1) Accumulated earnings tax, see section 536 and the regulations thereunder;

(2) Personal holding company tax, see section 546 and the regulations thereunder;

(3) Undistributed foreign personal holding company income, see section 557 and the regulations thereunder; and

(4) The taxable income of a regulated investment company, see section 852 (b) (2) (E) and the regulations thereunder.

[F. R. Doc. 57–1579; Filed, Feb. 27, 1957; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

EXEMPTION OF COMMON CARRIERS BY WATER

Section 1453.3 (d) (2) *Fiscal years ending on or after December 31, 1953,* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1956", and inserting in lieu thereof the words "January 1, 1957".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: February 26, 1957.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 57–1568; Filed, Feb. 28, 1957; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter L—Mineral Lands

[Circular 1970]

PART 185—GENERAL MINING REGULATIONS

ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS OF THE UNITED STATES CLASSIFIED OR KNOWN TO BE VALUABLE FOR COAL

On pages 7454 to 7456, inclusive, of the FEDERAL REGISTER for September 28, 1956 there was published a notice of proposed regulations to implement the act of August 11, 1955 (69 Stat. 679; 30 U. S. C. 521–531). Interested persons were allowed 30 days in which to submit written comments, suggestions or objections with respect to the proposed regulations. No comments, suggestions or objections to the proposed regulations have been received. Therefore, the proposed regulations are hereby adopted without change, except that the sections have been renumbered 185.140 to 185.152, inclusive, and the cross references to these sections have been renumbered accordingly.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 21, 1957.

Part 185 is amended by adding thereto the following sections.

ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS VALUABLE FOR COAL

Sec.

185.140 Purpose and authority.
185.141 Public lands known or classified as coal land, containing source material opened to location; exception.
185.142 Copy of Notice of Location to be filed in appropriate County Recorder's office, Land Office, and posted on the claim.
185.143 Claimant to report annually to Mining Supervisor, Geological Survey.
185.144 Mineral patents subject to recording and payment requirements to contain reservation of leasable minerals.
185.145 Mineral patents not to include lignite; exception.
185.146 Lodes do not include extralateral rights.
185.147 Source material not in leasing minerals, right to remove lignite filing of description.
185.148 Entryman or owner or an assignee thereof of lands patented with coal reservation entitled to exclusive right to locate source material; exception.
185.149 Holder of coal lease entitled to exclusive right to locate source material; exception.
185.150 Definitions.
185.151 Expiration of act; exception.
185.152 Appeals.

AUTHORITY: §§ 185.140 to 185.152 issued under R. S. 2478, sec. 8, 69 Stat. 679; 43 U. S. C. 1201, 30 U. S. C. 541g.

§ 185.140 *Purpose and authority.* The act of August 11, 1955 (69 Stat. 679) was enacted:

To provide for entry and location, on discovery of a valuable source material, upon public lands of the United States, classified as or known to be valuable for coal, and for other purposes.

The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior.

§ 185.141 *Public lands known or classified as coal land, containing source material opened to location; exception.* The act in section 1 provides in part as follows:

That, subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, public lands of the United States classified as or known to be valuable for coal subject to disposition under the mineral leasing laws and which are open to location and entry subject to the conditions and provisions of the act of August 13, 1954 (68 Stat. 708), unless embraced within a coal prospecting permit or lease, shall also be open to location and entry under the mining laws of the United States upon the discovery of a valuable source material occurring within any seam, bed, or deposit of lignite in such lands.

§ 185.142 *Copy of Notice of Location to be filed in appropriate County Recorder's office, Land Office, and posted on the claim.* (a) The act in section 1 provides in part as follows:

* * * a copy of the notice of any mining location made for source material occurring in any such bed, seam, or deposit, shall be filed for record in the land office of the

Bureau of Land Management for the State in which the claim is situated within ninety days after the date of its location.

(b) The act in section 2 provides as to mining claims located prior to May 25, 1955:

That the locator or locators of such a mining claim shall, not later than one hundred and eighty days from and after the date of this Act, post on the claim and file for record in the office where the notice or certificate of location is of record, an amended notice of the mining location stating that such amended notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof; and that a copy of said amended notice is, within the said one-hundred-and-eighty-day period, filed in the land office of the Bureau of Land Management for the State in which the mining location is situated * * *[1]

(c) The act in section 3 provides in part as follows:

* * * upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(d) Any location notice filed under the above-quoted sections should clearly state that the claim was located for uranium or other source material contained in a bed, seam, or deposit of lignite pursuant to the act of August 11, 1955 (69 Stat. 679). The notice should describe the lands included therein by subdivision, section, township and range, if covered by a public land survey, for a placer claim, and if unsurveyed, or if the location is a lode claim, by a metes and bounds description tied to a corner of the public land survey, or to a mineral monument.

§ 185.143 *Claimant to report annually to Mining Supervisor, Geological Survey.* (a) The act in section 1 provides in part as follows:

That the claimant to any such mining location shall report annually to the Mining Supervisor of the Geological Survey the amount of lignite mined or stripped in the recovery of such valuable source material during each calendar year and tender payment to him of 10 cents per ton thereon * * * subject to the recording and payment requirements * * *

(b) Payments shall be by check, draft or money order, payable to the United States Geological Survey, accompanied by a report of the tons of lignite mined or stripped, whether disposed of or not, in recovering the source material as defined in § 185.147. Each report should show the name of the claim, identify the location, the calendar year for which payment is made and address of claimant. A suggested form of report as shown in Appendix A to the regulations in this part may be used for this purpose.

(c) Tonnage reports and remittances for claims in Montana, North Dakota, South Dakota, and Northern Wyoming should be sent to the Regional Mining Supervisor, U. S. Geological Survey, Billings, Montana. As to claims in other states, the address of the Regional Mining Supervisor may be obtained from the Director, U. S. Geological Survey, Washington 25, D. C.

§ 185.144 *Mineral patents subject to recording and payment requirements to contain reservation of leasable minerals.* (a) The act in section 1 provides in part as follows:

Any mineral patents issued hereunder shall be made subject to the recording and payment requirements of this section and shall contain a reservation to the United States of all Leasing Act minerals owned by the United States other than lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of such material.

(b) Under this section, all debts due the United States on account of coal mined under the location must be paid, before a patent will issue.

§ 185.145 *Mineral patents not to include lignite; exception.* (a) The act in section 1 provides in part as follows:

Mining claims located and mineral patents issued under the provisions of this Act shall not include rights to lignite not containing valuable source material except to the extent it may be necessary to mine or strip such lignite in order to mine the source material * * *

(b) The reservation of leasing act minerals including lignite that do not contain valuable source material which will be inserted in every patent issued under the act, will be subject to the right of the patentee to remove such lignite when necessary to mine source material subject to the provisions of the act.

§ 185.146 *Lodes do not include extralateral rights.* (a) The act in section 1 provides in part as follows:

* * * lode claims, shall not include extralateral rights.

(b) The act in section 2 provides in part as follows:

That no extralateral rights shall attach to any mining location validated under this section.

(c) The right of all locators under the act are therefore limited to the extraction of unreserved minerals within the exterior boundaries of the claim extended vertically downward.

§ 185.147 *Source material not in leasing minerals, right to remove lignite, filing of description.* (a) The act in section 3 provides in part as follows:

SEC. 3. Subject to the provisos of section 2 of this Act, any mining location made under the mining laws of the United States, including the Act of August 13, 1954, on lands of the character described in section 1 of this Act, except locations made for lands within the exterior boundaries of a prior coal prospecting permit or lease, if based upon a discovery of valuable source material in deposits other than deposits of Leasing Act minerals, shall include the right to mine, remove, and dispose of lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of source material contained in lignite, subject to the reporting and payment requirements of section 1 of this Act, and subject to the provisions of the Atomic Energy Act of 1954 (68 Stat. 919), and upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(b) For description under this section, see § 185.142 (d).

(c) The act in section 3 also provides in part as follows:

That nothing in this section shall be construed to limit or restrict the rights acquired by virtue of a mining claim heretofore or hereafter located, under the 1872 mining act, as amended, or to impose any additional obligation with respect to mining and removal of source material which does not occur within any seam, bed, or deposit of lignite.

(d) Under these provisions, as to locations which were made under the act of August 13, 1954, at a time when the land was known to contain lignite and was not then in a coal permit or lease, or application for permit or lease, the locator would have a right to mine the lignite containing source material and to mine other lignite only after he had complied with the reporting and payment provisions of section 1 of the act with respect thereto. The owner of such a location, who chooses not to comply with these payment and reporting requirements, may mine and remove any mining law minerals in the location, except such minerals contained in lignite, under authority of the act of August 13, 1954. If such a locator damages or destroys any lignite in connection with his mining operations his liability therefor to the United States will be determined under applicable laws. A location made solely under the 1872 Mining Act would not be subject to the provisions of either the August 13, 1954 Act, or of this act, but unless made upon land not then known to contain lignite it would be invalid.

§ 185.148 *Entryman or owner or an assignee thereof of lands patented with coal reservation entitled to exclusive right to locate source material; exception.* (a) The act in section 4 provides as follows:

The entryman or owner of any land or the assignee of rights therein, including lands granted to States, with respect to which the coal deposits have beeen reserved to the United States pursuant to the provisions of the act of March 3, 1909 (35 Stat. 844), or the act of June 22, 1910 (36 Stat. 583), excepting lands embraced within a coal prospecting permit or lease, upon the discovery of valuable source material in lignite situated within such entered, granted, or patented lands, who, except for the reservation of coal to the United States would have the right to mine and remove such source material, shall have the exclusive right to mine, remove, and dispose of lignite containing such source material and lignite necessary to be stripped or mined in the recovery of such material, subject to the reporting and payment requirements of section 1 of this act, and subject to the provisions of the Atomic Energy Act of 1954, upon filing in the land office designated in section 1 hereof, an adequate description sufficient to identify the land containing such lignite.

(b) The description under this section should be by the legal subdivision of the public land survey which contains the deposits.

§ 185.149 *Holder of coal lease entitled to exclusive right to locate source mate-*

[1] In this connection, the Land Office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming; and that for Arkansas, Florida, Louisiana, and Mississippi, at Washington 25, D. C.

rial; exception. (a) The act in section 5 provides as follows:

The holder of coal leases issued under the provisions of the mineral leasing laws, including the Act of August 7, 1947 (61 Stat. 913), prior to the date of this Act, or thereafter if based upon a prospecting permit issued prior to that date, upon the discovery during the term of such lease of valuable source material in any bed or deposit of lignite situated within the leased lands, shall have the exclusive right to locate such source material under the provisions of this Act but the mining and disposal of such source material shall be subect to the operating provisions of the lease and to the provisions of the Atomic Energy Act of 1954: *Provided,* That the provisions of this section shall not apply to coal prospecting permits or leases on lands embraced within entered, granted, or patented lands described in section 4 of this Act.[2]

(b) The coal lessee for lands not entered, granted, or patented, who desires to obtain the benefits of this section must make a mining location and comply with the act and these regulations with respect thereto, and must also comply with the operating regulations (30 CFR Part 211).

§ 185.150 *Definitions.* (a) The act in section 6 provides in part as follows:

* * * "lignite" shall mean coal classified as ASTM designation: D 388–38, according to the standards established in the American Society for Testing Materials on Coal and Coke under standard specifications for Classification of coals by Rank, contained in public-land deposits considered as valuable under the coal-land classification standards established by the Secretary of the Interior and prescribed in section 30, Code of Federal Regulations, part 201; and "source material" shall mean uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of section 61 of the Atomic Energy Act of 1954 to be source material.

(b) The act applies only to deposits of coal coming within the definition set out in the above quotation from the act, and other types of coal deposits are not subject to location under the act, even though found to contain source material.

§ 185.151 *Expiration of act; exception.* (a) The act in section 10 provides as follows:

Twenty years after the effective date of this act, all lands subject to the provisions of section 1 shall be withdrawn from all forms of entry under this act. All claims made pursuant to the provisions of this act shall expire at that time, except for (1) claims for which patent has already been issued, and (2) claims on which application for patent has already been made and on which patent is subsequently issued: *Provided,* That, if the President shall so provide by Executive Order, the provisions of this section shall not become effective until thirty years after the effective date of this act.

(b) Under this section, no location will be recognized on and after a date 20 years after the date of the act or the expiration of any extension of such period by the President, unless prior to that date an application for a patent has been filed and no patent will issue for any such claim in the absence of evidence of full compliance with the law made prior to that date.

§ 185.152 *Appeals.* A party aggrieved by any official action taken pursuant to this part may appeal from the decision of any subordinate official to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior pursuant to the rules of practice (Part 221 of this chapter).

APPENDIX A

Name of Claim
BLM Serial No.
Located in Sec. __, T. __, R.
County
State

REGIONAL MINING SUPERVISOR,
U. S. Geological Survey,
Billings, Montana.

Enclosed is check (draft or money order) payable to the United States Geological Survey for lignite mined or stripped under the above mining claim during the year ending December 31, ____, in accordance with Public Law 357, 84th Congress.

Tons of lignite---------- ----
Payment at 10 cents per ton----- $----
Name----------
Address----------

NOTE: If section, township, and range are not known, claim should be described as shown in the certificate of location.

December 31-____, in accordance with Public Law 357, 84th Congress.

Tons of lignite---------- ----
Payment at 10 cents per ton----- $----
Name ----------
Address ----------

NOTE: If section, township, and range are not known, claim should be described as shown in the certificate of location.

[F. R. Doc. 57–1533; Filed, Feb. 28, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11870; FCC 57–175]

[Rules Amdt. 16–12]

PART 16—LAND TRANSPORTATION RADIO SERVICE

RAILROAD RADIO SERVICE

In the matter of amendment of §§ 16.351 (a) and 16.352 (b) of the rules governing the Railroad Radio Service.

1. On November 13, 1956, the Commission released a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on November 16, 1956, (21 F. R. 8952) in accordance with the provisions of section 4 (a) of the Administrative Procedure Act. The purpose of the amendments under consideration is to provide communications for the land motor vehicles of railroad common carriers engaged in the pickup, delivery or transfer between stations of property shipped, continued in, or destined for shipment by such railroad common carriers; to amend § 16.351 (a) to preclude a possible interpretation that this section includes persons other than railroad common carriers; and to delete the special protection afforded by § 16.352 (b) to the frequencies 159.57, 159.81, 160.53, 161.01, 161.31 and 161.67 Mc.

2. The period in which interested persons were afforded an opportunity to submit comments thereto has expired. Comments in support of the Commission's proposal have been filed by the Association of American Railroads, the Railway Express Agency, Inc. and the Union Pacific Railroad Company. Comments in opposition to the above-mentioned proposal have been filed by the Villiage of Richfield, Minnesota, and by the Counties of Winnebago, Brown, Oconto, Kewanee and Milwaukee in Wisconsin.

3. The gravamen of the comments objecting to the Commission's proposal is that the additional use of the frequencies involved by the primary user will make the frequencies less available for secondary users, such as the Highway Maintenance Radio Service. They contend that "in view of the great amount of interference Highway Departments are experiencing, which the Federal Communications Commission attributes to radio signals from the upper layer of the ionosphere, some extraordinary measures will be necessary to insure continuance of highway radiocommunications." They believe that "the public interest will be better served by Highway Departments having adequate radiocommunications facilities than by the convenience of a local pickup and delivery organization." For these reasons, they suggest "that the railway express service of the railroads be allocated a third priority to the frequencies involved."

4. The Commission agrees with the reply comments filed by the Railway Express Agency, Inc., that these objections are without merit since the 152–162 Mc frequencies allocated to the Railroad Radio Service are made available to the Public Safety Radio Services which includes the Highway Maintenance Radio Service, expressly on a secondary basis and subject to no interference being caused to stations in the Railroad Radio Service, either existing or future. Accordingly, the failure of a secondary user to obtain the use of a frequency may not be used as a lever to block the proposed use by a primary-right user of an entire block of frequencies.

5. The objecting comments convey the impression that the frequencies allocated to the Railroad Radio Service are virtually the most important if not the sole source of frequencies on which the operation of Highway Maintenance radio stations must depend, however, such is not the case. The Highway Maintenance Radio Service has been allocated twenty frequencies in the 25–50 Mc band, fourteen of which are in the 46–47 Mc band where the long distance skip interference is much less serious than in lower portions of that band; four 157 Mc frequencies not subject to skip interference, allocated primarily to the Maritime

[2] As of August 11, 1955, there were no outstanding coal permits or leases issued under the act of August 7, 1947, in areas containing lignite as defined in the act of August 11, 1955, subject to the mining laws. Consequently, reference to the act of August 7, 1947 will not result in any mining claims being made for source material on acquired lands.

Mobile Service but available to the Public Safety Radio Services on a secondary basis; twenty frequencies in the band 453–458 Mc, allocated to the Public Safety Radio Services, are available for Highway Maintenance operations and are likewise not subject to skip interference and are suitable for a substantially increased use by stations in the Highway Maintenance Radio Service. The 157 Mc frequencies made reference to above as primarily allocated to the Maritime Service may not be available to the Village of Richfield and the counties listed above because of their proximity to navigable waters.

6. The amendment under consideration does not enlarge the scope of eligibility in the Railroad Radio Service. In fact, one of the stated purposes of the amendment is to preclude a possible interpretation that § 16.351 (a) includes persons other than railroad common carrier. Although the proposed amendments contain an implicit recognition of the fact that an express agency may be a railroad common carrier, this is consistent with the view taken by the Commission in its action on June 20, 1956 (Public Notice, June 21, 1956: Report No. 149, Non-Broadcast and General Actions) denying the application of the Railway Express Agency, Inc., wherein it was conceded that while the Railway Express Agency, Inc., might come within the scope of the eligibility requirements of the Railroad Radio Service, the proposed use of the frequencies was not provided for by existing rules. The proposed action would remedy that situation by permitting the existing primary user to use the frequencies in a manner more consistent with the requirements of persons presently eligible in the Railroad Radio Service.

7. The Village of Richfield and the counties listed herein, request a delay of thirty to sixty days in the Commission's action on the proposal. However, no compelling reasons are given for such delay nor is any explanation given as to what it would accomplish. In view of the fact that the Commission's Notice of Proposed Rule Making was released on November 13, 1956, and interested persons were given until December 19, 1956, a period of five weeks, to submit comments, the Commission is of the opinion that further delay would serve no useful purpose. The suggestion of the Village of Richfield that the Commission should review the original docket in which the frequencies were allocated to the Railroad Radio Service for the apparent purpose of reallocating such frequencies clearly goes beyond the scope of this proceeding.

8. In view of the foregoing considerations, and pursuant to authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended: *It is ordered,* That effective April 1, 1957, §§ 16.351 (a) and 16.352 (b) of Part 16 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: February 21, 1957.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amendment of Part 16, Subpart H, rules governing the Railroad Radio Service.

1. Amend subparagraphs (1) and (2) of § 16.351 (a) to read as follows:

(1) Railroad common carriers, including railroad express companies wholly owned by railroad common carriers, which are regularly engaged in the trasportation of passengers or property when such passengers or property are transported over all or part of their route by railroad.

(2) A non-profit organization or association organized for the purpose of furnishing a radiocommunication service solely to railroad common carriers who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

2. Amend § 16.352 (b) to read as follows:

(b) All frequencies in paragraph (a) of this section may also be assigned to base and mobile stations to be used for communications which are of practical necessity in connection with railroad operation or maintenance, including use in connection with the operation of land motor vehicles engaged in the pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier; provided interference is not caused to stations authorized under the provisions of paragraph (a) of this section.

[F. R. Doc. 57–1560; Filed, Feb. 28, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 9]

[Docket No. 11942; FCC 57–173]

FREQUENCY ALLOCATIONS AND AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Parts 2 and 9 of the Commission's rules, as shown below, to expand the scope of aeronautical advisory service and to make available an additional frequency. This proposal parallels recommendations contained in the October 9, 1956 report on "Operational/Special Service Communications" by the Radio Technical Commission for Aeronautics.

3. Specifically, it is proposed to amend the rules (a) to make the frequency 123.0 megacycles available for communications between private aircraft and aeronautical advisory stations at landing areas served by airdrome control stations; (b) to expand the scope of aeronautical advisory service to include transmission of communications which pertain to the efficient portal-to-portal transit of which the flight is a portion; and (c) to remove the existing restrictions against use of the frequency 122.8 megacycles by air carrier aircraft weighing less than 10,000 lbs.

4. It is anticipated that expansion of the scope of aeronautical advisory service as proposed herein, would result in a substantial increase in the volume of communications in this service. In order to obtain the most effective frequency utilization and best accomplish the intended purpose of providing communications service at landing areas for the occupants of private aircraft, it is proposed to limit the location of control and dispatch points for any aeronautical advisory station to the landing area served by the station.

5. The proposed amendment is issued under the authority of sections 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 1, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 21, 1957.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. It is proposed to amend that portion of § 2.104 (a) (5) pertaining to the frequency band 122.1 Mc through 123.0 Mc to read as follows:

10	11
122.1	Private aircraft.
122.3	Do.
122.5	Do.
122.7	Do.
122.8	Aeronautical Advisory Station.
122.9	Private aircraft.
123.0	Aeronautical Advisory Station.

B. 1. Delete definition of aircarrier aircraft station from § 9.3 and substitute new definition to read as follows:

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in or essential to, transportation of passengers or cargo for hire. For the purpose of these rules an aircraft weighing less than 10,000 lbs. may be considered at the option of the applicant, as a private aircraft even though actually engaged in aircarrier operations. The election by the applicant will determine the equipment and frequencies to be employed and the regulations applicable to the aircraft radio station.

2. Delete § 9.311 and substitute a new section to read as follows:

§ 9.311 *Scope of service.* Communications by an aircraft station in the aeronautical mobile service shall be limited to the necessities of safe aircraft operation, except as otherwise specifically provided in this part. Normally, contacts with a ground station in the aviation services shall not be attempted unless the aircraft is within the area served by the station.

3. Delete paragraph (e) of § 9.331, substitute a new paragraph (e) and add a new paragraph (f) to read as follows:

(e) 122.8 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations and between private aircraft stations while in flight. Permissible communications are defined in § 9.1004.

(f) 123.0 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations only. Permissible communications are defined in § 9.1004.

4. Delete § 9.1001 and substitute a new section to read as follows:

§ 9.1001 *Special eligibility requirements.* (a) Authorization to operate an aeronautical advisory station using the frequency 122.8 Mc will be issued only to the owner or operator of a landing area not served by an airdrome control station.

(b) Authorization to operate an aeronautical advisory station using the frequency 123.0 Mc will be issued only to the owner or operator of a landing area served by an airdrome control station.

(c) Only one aeronautical advisory station will be authorized at any landing area.

(d) Control points will not be authorized at locations other than the landing area served by the station.

(e) Notwithstanding the provisions of § 9.185 (e), dispatch points shall not be established at locations other than the landing area served by the station.

5. Delete § 9.1002 and substitute a new section to read as follows:

§ 9.1002 *Frequencies available.* 122.8 and 123.0 megacycles, 6A3 emission: For communications with private aircraft stations.

6. Delete § 9.1004 with the exception of the note, and substitute a new section to read as follows:

§ 9.1004 *Scope of service.* (a). At all times when an aeronautical advisory station is in operation, non-public service shall be provided to any private aircraft station upon request and without discrimination.

(b) Aeronautical advisory stations shall not be used for air traffic control purposes.

(c) Communications on the frequency 122.8 Mc shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information; provided, however, that on a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

(d) Communications on the frequency 123.0 Mc shall be limited to messages which pertain to the efficient and economical use of private aircraft, insofar as such communications relate to the efficient portal-to-portal transit of which the flight is a portion, such as dispatching, requests for ground transportation and food or lodging required during transit. The frequency 123.0 Mc is not available for civil defense communications.

[F. R. Doc. 57-1561; Filed, Feb. 28, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

1957 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 313; 7 U. S. C. 1100, Public Law 545, 84th Cong.), and in accordance with the applicable rules of practice and procedure (21 F. R. 4251), the Secretary of Agriculture has, after due notice (21 F. R. 8088) and hearing, found that allotment of the 1957 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to accord all interested persons an equitable opportunity to market sugar, and has established allotments of such quota totaling 450,000 short tons, raw value, to be in effect until allotments of the 1957 sugar quota for the Mainland Cane Sugar Area are prescribed (22 F. R. 5).

Notice is hereby given that a public hearing will be held at New Orleans, Louisiana, in the Robert E. Lee Room of the Monteleone Hotel on March 15, 1957, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1957 among persons who market sugar processed from sugarcane produced in the Mainland Cane Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment, and make or withhold allotment of any such quota in accordance therewith.

In addition, the subject and issues of this hearing also include (1) the manner in which consideration should be given to the statutory factors as provided in section 205 (a) of the act, and (2) provision for the transfer of allotments under circumstances of a succession of interest.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) giving effect to any increase, or decrease, in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of another area; (2) prorating any deficit in the allotment for any allottee; and (3) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 25th day of February 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-1571; Filed, Feb. 28, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA AND SOUTH DAKOTA

DISASTER ASSISTANCE; DESIGNATION OF AREAS FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the States of North Dakota and South Dakota there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

Pursuant to the authority set forth above, such loans may be made to new

applicants in the States of North Dakota and South Dakota through June 30, 1957. Thereafter, such loans may be made in the above States only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of February 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-1548; Filed, Feb. 28, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Carol Fashion, 48 North Eighth Street, Bangor, Pa.; effective 2-7-57 to 2-6-58; five learners (ladies blouses).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-57 to 2-18-58 (cotton work clothing—pants).

Carwood Manufacturing Co., Cornelia Branch, Cornelia, Ga.; effective 2-19-57 to 2-18-58 (men's work shirts and sport shirts).

Carwood Manufacturing Co., No. 1, Midland Avenue, Monroe, Ga.; effective 2-19-57 to 2-18-58 (men's and boys' work clothing).

Carwood Manufacturing Co., No. 2, Atlanta Highway, Monroe, Ga.; effective 2-19-57 to 2-18-58 (men's and boys' work clothing).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-57 to 2-18-58 (work pants and shirts).

Cordele Uniform Co., 621 11th Avenue, East, Cordele, Ga.; effective 2-11-57 to 2-10-58; 10 learners (men's washable service cotton apparel).

J. Freezer & Son, Inc., Radford, Va.; effective 2-18-57 to 2-17-58 (ladies shirts).

Monleigh Garment Co., Inc., Yadkinville Road, Mocksville, N. C.; effective 2-6-57 to 2-5-58 (ladies' pajamas).

Myersdale Manufacturing Co., Inc., Myersdale, Pa.; effective 2-16-57 to 2-15-58 (men's shirts).

Nash Garment Co., Inc., Nashville, N. C.; effective 2-5-57 to 2-4-58; 10 learners (children's dresses).

J. Olsher & Co., 1100 South Fourth St., Clinton, Ind.; effective 2-11-57 to 2-10-58 (boy's single pants and jackets).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa.; effective 2-8-57 to 2-7-58; 10 learners (boy's outerwear).

Southeastern Shirt Corp., 110 North Indiana Avenue, LaFollette, Tenn.; effective 2-13-57 to 2-12-58 (dress and sport shirts).

Russell Williams Co., 418-428 West Mahanoy Avenue, Mahanoy City, Pa.; effective 2-9-57 to 2-8-58 (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 2-6-57 to 8-5-57; 50 learners for expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Athens Hosiery Mills, Inc., Athens, Tenn.; effective 2-5-57 to 2-4-58; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Altoona Shoe Co., Inc., 201 Cayuga Avenue, Altoona, Pa.; effective 2-24-57 to 2-23-58; 10 percent of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificate was issued in Hawaii to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Royal Hawaiian Manufacturing Co., Ltd., 1166 Fort Street, Honolulu, Hawaii; effective 2-14-57 to 2-13-58; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 6 learners for normal labor turnover purposes (ladies' sportswear, dresses, swimsuits, etc.).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Elgee, Inc., Km. 3.3 65th Inf. Road, Rio Piedras, P. R.; effective 2-1-57 to 1-31-58; not less than 43 cents per hour for a maximum of 160 hours, for the occupation of stone setting; authorizing the employment of 10 learners for normal labor turnover purposes (combs, barrettes and chignon pins).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 1-28-57 to 1-27-58; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of machine stitching; authorizing the employment of 37 learners for normal labor turnover purposes (sweaters).

Playtex Pan American, Inc., K. 48.1 State Road No. 2, Manati, P. R.; effective 1-28-57 to 7-27-57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operator, cutter and spreader; not less than 45 cents per hour for a maximum of 160 hours, for the occupations of electronic sealing operator, snap machine operator and final inspection; authorizing the employment of 110 learners for expansion purposes (dyper panty, bibs, and dress-eez).

Simmons International, Ltd., 102 Paseo de Covadonga, Puerta de Tierra, P. R.; effective 2-4-57 to 5-3-57; not less than 75 cents per hour for a maximum of 160 hours, for the occupations of mattress closing machine and tufting machine operator; authorizing the employment of one learner for normal labor turnover purposes (mattresses).

Uniforms, Inc., Cayey, P. R.; effective 2-2-57 to 5-18-57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 40 learners for expansion purposes (nurses' and maids' uniforms).

Vega Alta Corp., Vega Alta, P. R.; effective 2-1-57 to 7-31-57; not less than 75 cents per hour for the first 240 hours and 88 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assembly operator, bench operator, drill press operator, heat treat operator, lapping machine operator, inspection operator, punch press operator, plastic molding operator, auto screw machine and welding machine operator, straightener operator, milling machine operator, apprentice tool maker, and plating operator; authorizing the employment of 50 learners for expansion purposes (electric shavers).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Newbury Park Academy, Newbury Park, Calif.; effective 2-4-57 to 8-31-57; 25 additional student workers to be employed in the broom industry, in the occupations of broom maker, sorter, winder, stitcher and related skilled and semi-skilled occupations; each for a learning period of 360 hours at rates of 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours (supplemental certificate).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REG-

ISTER pursuant to the provisions of Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 13th day of February 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-1536; Filed, Feb. 28, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11902; FCC 57-170]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of February 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing, that notice of proposed rule making (FCC 57-36) setting forth the above amendment was issued by the Commission on January 11, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 322), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before February 8, 1957; and

It further appearing, that no comments were received either favoring or opposing the proposed amendment;

It further appearing, that the immediate adoption of the proposed amendment would facilitate action on an application (File No. BPH-2162) for a new FM broadcast station in Hagerstown, Maryland to operate on Channel No. 295;

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following listed cities:

General Area	Channels	
	Delete	Add
Hagerstown, Md.	----	295
Cumberland, Md.	295	234
Baltimore, Md.	294	----

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1562; Filed, Feb. 28, 1957; 8:51 a. m.]

[Docket No. 11906; FCC 57M-155]

EAST COAST RADIO CO. (WKLM)

STATEMENT AFTER PRE-HEARING CONFERENCE AND ORDER OF CONTINUANCE

In re application of Harold H. Thoms, Meredith S. Thoms and Matilann S. Thoms, d/b as East Coast Radio Co. (WKLM), Wilmington, North Carolina, Docket No. 11906, File No. BMP-7252; for modification of construction permit.

A pre-hearing conference was held in the above-entitled proceeding on February 25, 1957. Looking toward expeditious disposition of the matter all participants agreed that the following timetable should govern future procedure:

March 25, 1957—Exchange of Exhibits.
April 4, 1957—Hearing.

Accordingly, it is ordered, This 25th day of February 1957, that the date now scheduled for hearing, March 28, 1957, is extended to April 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1563; Filed, Feb. 28, 1957; 8:51 a. m.]

[Docket Nos. 11940, 11941; FCC 57-163]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of February 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Bowling Green, Kentucky; and

It appearing, that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that each of the applicants filed timely replies; and that upon due consideration of the above-captioned applications and the aforementioned replies, the Commission finds that each of the applicants is legally, financially, technically, and otherwise qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Sarkes Tarzian, Inc., and George A. Brown, Jr. are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Sarkes Tarzian, Inc. and George A. Brown, Jr., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1564; Filed, Feb. 28, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[73400]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 25, 1957.

Plat of survey of Blackbird Island, described below, accepted March 23, 1956, will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on April 10, 1957:

MICHIGAN MERIDIAN, MICHIGAN

T. 2 N., R. 10 W.,
Sec. 6, Lot 1.

Containing 1.65 acres.

This plat represents the survey of Blackbird Island in Gun Lake which was not included in the original survey of the township which is represented on the plat approved April 24, 1827.

The island is low and wet, approximately one foot above the water level of Gun Lake, of sandy formation. There is a matted growth of alder, brush and vines on the island, but no trees. The island is principally swamp.

No application for the land may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour specified on the above-mentioned effective date, the land shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57–1534; Filed, Feb. 28, 1957; 8:45 a. m.]

Office of the Secretary

PROPERTY OF CERTAIN TRIBES, BANDS, AND COLONIES OF INDIANS IN UTAH AND OF INDIVIDUAL MEMBERS THEREOF

TERMINATION OF FEDERAL SUPERVISION

Whereas, all Federal restrictions on the property of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe, located in the State of Utah, and of individual members thereof, have been removed, and

Whereas, Congress, by section 17 (a) of the act of September 1, 1954 (Public Law 762, 83d Congress, 68 Stat. 1099, 25 U. S. C. 757), has directed the Secretary of the Interior to publish this Proclamation,

Now, therefore, I, Fred G. Aandahl, Acting Secretary of the Interior, do hereby declare that

1. The Federal trust relationship to the affairs of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe and its members has terminated.

2. Hereafter, all powers of the Secretary of the Interior or other officer of the United States to take, review, or approve any action under the Constitutions or bylaws of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe are terminated, and any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of the act of September 1, 1954, supra, are terminated.

3. The corporate charters issued pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, to the Kanosh Band of Paiute Indians of the Kanosh Reservation, Utah, and ratified by the band on August 15, 1943, and to the Shivwits Band of Paiute Indians of the Shivwits Reservation, Utah, and ratified by the band on August 30, 1941, are revoked.

4. All statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of said Bands of the Paiute Indian Tribe, and individual members shall not be entitled to any of the services performed by the United States for the Indians because of their status as Indians.

5. All other rights, privileges, immunities and obligations of such bands, and of the members thereof, and all other powers and responsibilities of the Secretary of the Interior, remain unaffected, except as provided in said act of September 1, 1954, to which reference is hereby made for the provisions of Congress concerning the termination of Federal supervision over the affairs and property of such Indian bands and individuals.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 21st day of February 1957.

[SEAL] FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. F. Doc. 57–1535; Filed, Feb. 28, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ATLANTIC (PASSENGER) CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7840–29, between the member lines of the Atlantic (Passenger) Conference, modifying Annex 1 of the basic conference agreement (7840, as amended) to provide that with respect to members of the American Legion (including women's auxiliary) and their families participating in the American Legion Post-Convention Pilgrimage to Europe, September 1957, one free one-way passage, eastbound or westbound, may be given to a party conductor for each group of 25 or more one-way passengers paying full adult fares (two half-fares count as one adult fare) travelling eastbound prior to October 20, 1957, or westbound prior to December 31, 1957; and one free round-trip passage may be given to a party conductor in accordance with existing rule of the conference to such party conductors, provided the outward sailing date is before October 20, 1957 and return is prior to December 31, 1957. Such free passages are without limitation as to the number of free tickets to such party conductors by any one sailing.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 26, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–1549; Filed, Feb. 28, 1957; 8:46 a. m.]

Office of the Secretary

ROBERT L. TURNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 14, 1955, 20 F. R. 9348, April 7, 1956, 21 F. R. 2292 and October 3, 1956, 21 F. R. 7581.

Deletions: Eastern Airlines, Inc.
Additions: Northeast Airlines, Inc.

This statement is made as of February 1, 1957.

Dated: February 19, 1957.

ROBERT L. TURNER.

[F. R. Doc. 57–1550; Filed, Feb. 28, 1957; 8:47 a. m.]

[Dept. Order 109 (Revised)]

BUREAU OF PUBLIC ROADS

ORGANIZATION AND FUNCTIONS

SECTION 1. *Purpose.* This order prescribes the organization and functions of the Bureau of Public Roads.

SEC. 2. *Organization.* 01 The Bureau of Public Roads, a primary organization unit of the Department of Commerce shall be headed by a Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Federal Highway Administrator shall report and be responsible to the Under Secretary of Commerce for Transportation.

02 The Federal Highway Administrator shall be assisted in the operations of the Bureau by a Commissioner of Public Roads, who shall be appointed by the Secretary of Commerce.

03 The Bureau of Public Roads shall be constituted as follows:

The Federal Highway Administrator;
The Commissioner of Public Roads;
Deputy Commissioner;
Assistants to the Commissioner;
The General Counsel;
Assistant Commissioner for Engineering;
Deputy Assistant Commissioner for Engineering;
Assistant Commissioner for Operations;
Deputy Assistant Commissioner for Operations;
Assistant Commissioner for Administration;
Deputy Assistant Commissioner for Administration;
Assistant Commissioner for Research;
Deputy Assistant Commissioner for Research;
Regional Offices; and
District Offices.

04 The following officers, in the order designated, shall perform the functions of the Federal Highway Administrator in the Administrator's absences, sickness or other inability to act.

1. Commissioner of Public Roads;
2. Deputy Commissioner;
3. Assistant Commissioner for Engineering;
4. Assistant Commissioner for Operations;
5. Assistant Commissioner for Administration;
6. Assistant Commissioner for Research; and
7. General Counsel.

SEC. 3. *Delegation of authority.* 01 Pursuant to the authority vested in the Secretary of Commerce by law, the Federal Highway Administrator is hereby authorized to perform the functions vested in the Secretary of Commerce by the Federal-Aid Road Act of 1916 and the Federal Highway Act of 1921 and all acts amendatory thereof or supplementary thereto except the apportionment of Federal-aid road funds among the States and such other functions as the Secretary of Commerce may reserve by directive or administrative regulation of the Department. In addition, the Federal Highway Administrator is designated to exercise the authority of the Secretary of Commerce derived from the Defense Production Act of 1950, as amended, with respect to highway construction and maintenance, regardless of financing, including all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations.

02 The Federal Highway Administrator may redelegate any power or authority conferred upon him by this order to any official or officials of the Bureau of Public Roads as in his judgment will result in economy and efficiency in effectuating the purposes of the Federal-aid Highway Acts or the provisions of this order.

SEC. 4. *General functions.* 01 The Bureau of Public Roads shall be responsible for administering Federal legislation providing, (a) for the improvement, in cooperation with the 48 States, the District of Columbia, Hawaii, Alaska, and Puerto Rico, of roads on the Federal-aid primary, secondary, and Interstate highway systems, and the urban extensions of such systems, (b) for the survey and construction, in cooperation with the Forest Service of the Department of Agriculture, of roads on the forest highway system, (c) for the survey and construction of main roads through public lands, (d) for the survey and construction, in cooperation with the Central American Republics, of the Inter-American Highway, (e) for the construction and maintenance of highways in Alaska, and (f) other programs as authorized.

02 The Bureau of Public Roads shall function as the principal road-building agency of the Federal Government and shall cooperate with (1) the U. S. Forest Service, the National Park Service, and other Federal agencies in the construction of roads in national forests, parks, and other Federal areas; (2) the Department of State and other Federal agencies in providing assistance and advice to foreign governments in various phases of highway engineering and administration; and (3) the Secretary of Defense, and such other officials as the President may designate, in the survey, design, and construction of access roads certified as essential to the national defense.

03 The Bureau of Public Roads shall conduct a program of research on all phases of highway improvement and highway transport as a basis for the development of progressive highway engineering and administrative practices.

SEC. 5. *Functions of principal officers.* 01 The Federal Highway Administrator shall plan and promulgate the basic programs and policies of the Bureau of Public Roads and shall coordinate the implementation of the Bureau's programs.

02 The Commissioner of Public Roads shall direct and control the execution of the Bureau's programs, including field operations, in accordance with established policies of the Federal Highway Administrator and the Secretary of Commerce. He shall also prescribe basic rules and regulations for the administration of the Bureau's operations and perform such other functions as the Federal Highway Administrator may assign. The Office of the Commissioner includes the Assistants to the Commissioner who coordinate the special projects of the Bureau as may be assigned.

03 The Deputy Commissioner shall be the principal operating aide to the Commissioner and assist in the direction of operations of the Bureau and shall perform such other functions as the Commissioner may assign.

04 The General Counsel, under the general policy guidance of the General Counsel of the Department of Commerce, serves as the law officer of the Bureau and renders all legal counsel and advice to the Federal Highway Administrator, the Commissioner of Public Roads, heads of program and staff offices including Regional Offices, in all matters pertaining to the functions of the Bureau. He shall direct and supervise all legal work performed by his office.

05 The Assistant Commissioner for Engineering, who shall head the Office of Engineering, participates in the formulation and directs the execution of policy and programs relating to highway programing, design, construction and maintenance for all Federal-aid highway activities authorized under the Federal-aid Highway Acts. These programs include the review and approval of systems, programs, plans and specifications for construction and maintenance of interstate, primary, secondary and urban roads; and certified defense access roads which are constructed through the State highway departments; the review and approval of plans and specifications for bridges and tunnels; the acquisition of rights-of-way; the inspection and approval of construction and maintenance operations; the administration of projects for repair of damage to Federal-aid projects occasioned by disaster other than Civil Defense. The Assistant Commissioner for Engineering supervises the operations of the following divisions: Federal-Aid Systems, Bridges and Tunnels, Construction, Interstate Highways, Maintenance, Primary Highways, Rights of Way, Secondary Highways, and Urban Highways.

06 The Assistant Commissioner for Operations, who shall head the Office of Operations, participates in the formulation and is responsible for the execution of overall Bureau policy and programs affecting (1) Federal highway construction on public lands, including forest highways, roads and trails in national parks, parkways, Indian Reservation roads and bridges; (2) foreign road construction and management, including the preparation of related diplomatic agreements, the organization and staffing of foreign missions, and advisory, design, and construction operations in cooperating foreign countries; and (3) Inter-American highway projects, including the advancement of construction of the Inter-American Highway and the Administration of operating aspects of these projects. In addition, he shall be responsible for the direction and supervision of civil defense activities of the Bureau and for operations under such preparedness programs when so required. The Assistant Commissioner for Operations supervises the operations of the following divisions: Civil Defense, Federal Domain, Foreign, and Inter-American Highway.

07 The Assistant Commissioner for Administration, who shall head the Office of Administration participates in the formulation and directs the execution of fiscal and administrative policies and programs of the Bureau. In this capacity he acts as comptroller of funds appropriated for Federal highway programs and prepares the apportionment of funds to States and Territories participating in the cooperative roads program. The Assistant Commissioner for Administration is also responsible for budgetary planning and the development of supporting accounting and auditing systems; program analysis activities; the direction of management studies and their implementation; all phases of personnel management including personnel training activities; the security program for the Bureau and activities thereunder; and the fulfillment of administrative services needs of the Bureau including space control, procurement of supplies

and equipment, records disposal and administrative reporting. The Assistant Commissioner for Administration supervises the operations of the following divisions: Budget and Management, Personnel, Program Analysis, Audits and Accounts, Equipment, Procurement and Transportation, and Office Services.

03 The Assistant Commissioner for Research, who shall head the Office of Research, participates in the formulation and is responsible for the execution of policy and programs relating to highway research and planning independently and in collaboration with the several States, including physical and hydraulics research, highway transport research and financial and administrative research. These functions include the preparation and dissemination of technical data, statistics, and general highway information and the development of legislative requirements to effectively carry out the Bureau's research programs. In addition, he coordinates studies conducted under his supervision involving economic, financial and administrative research covering annual highway costs; equipment operations cost and highway contractors' operations; traffic control; and tax relationships. The Assistant Commissioner for Research supervises the operations of the following divisions: Financial and Administrative Research, Highway Transport, Hydraulics and Drainage, Physical Research, Research Coordination, and Publications and Reports.

SEC. 6. *Field organization.* 01 Field operations of the Bureau are conducted from eleven Regional Offices each headed by a Regional Engineer who reports to the Commissioner of Public Roads. In addition, there is a District Office, staffed by a District Engineer and supporting personnel, in each of the several States within a region. (See Appendix I, set forth below, for location of Regional Offices and areas of jurisdiction.)

02 The Regional Engineer is the field counterpart of the Commissioner of Public Roads and as such is responsible for the designation and improvement of highway systems consistent with the objectives of Federal highway legislation, State and local needs and highway requirements in the public domain. To this end, each Regional Engineer:

(1) Promotes and guides engineering and economic studies and the interpretation and application of the findings of such studies in planning highway systems; reviews highway system designations and proposed modifications; and reviews projects to insure the application of current planning data to highway improvements throughout the region;

(2) Develops and promotes improved and progressive geometric and structural design practices for application to highway improvements throughout the region; provides technical guidance to the district staff, State highway departments and other Federal agencies in connection with complicated and unusual highway design features;

(3) Develops and promotes improved and progressive construction and maintenance practices for application to highway improvements throughout the region; provides technical guidance to the district staff, State highway departments and other Federal agencies in connection with complicated and unusual construction and maintenance problems; and

(4) Administers fiscal and management functions throughout the region, including the preparation of internal budget estimates and budgetary controls, personnel administration, records management, the audit of construction and administrative vouchers, maintenance of fiscal records, and performance of centralized services for the region.

Effective date: January 23, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

APPENDIX I

Regional Offices. The location of the regional offices of the Bureau of Public Roads and the areas over which they have jurisdiction (District Office locations indicated in parenthesis) are as follows:

Region 1, Albany, New York: Maine (Augusta), New Hampshire (Concord), Vermont (Montpelier), Massachusetts (Boston), Connecticut (Hartford), Rhode Island (Providence), New York (Albany) and New Jersey (Trenton).

Region 2, Hagerstown, Maryland: Delaware (Dover), Maryland (Baltimore), Ohio (Columbus), Pennsylvania (Harrisburg), District of Columbia, Virginia (Richmond), West Virginia (Charleston).

Region 3, Atlanta, Georgia: Alabama (Montgomery), Florida (Tallahassee), Georgia (Atlanta), Mississippi (Jackson), Tennessee (Nashville), North Carolina (Raleigh), South Carolina (Columbia), Puerto Rico (San Juan).

Region 4, Chicago, Illinois: Illinois (Springfield), Indiana (Indianapolis), Kentucky (Frankfort), Michigan (Lansing), and Wisconsin (Madison).

Region 5, Kansas City, Missouri: North Dakota (Bismarck), South Dakota (Pierre), Minnesota (St. Paul), Iowa (Ames), Kansas (Topeka), Missouri (Jefferson City), and Nebraska (Lincoln).

Region 6, Fort Worth, Texas: Arkansas (Little Rock), Louisiana (Baton Rouge), Oklahoma (Oklahoma City), and Texas (Austin).

Region 7, San Francisco, California: Arizona (Phoenix), California (Sacramento), Nevada (Carson City), and Hawaii (Honolulu).

Region 8, Portland, Oregon: Montana (Missoula), Oregon (Salem), Idaho (Boise), Washington (Olympia).

Region 9, Denver, Colorado: Colorado (Denver), New Mexico (Sante Fe), Wyoming (Cheyenne), and Utah (Ogden).

Region 10, Juneau, Alaska: Anchorage, Fairbanks, Juneau, Valdez, Nome.

Region 15, Arlington, Virginia: Eastern National Forests and Parks.

[F. R. Doc. 57-1551; Filed, Feb. 28, 1957; 8:48 a. m.]

[Dept. Order 159 (Revised)]

OFFICE OF INTERNATIONAL TRADE FAIRS

ORGANIZATION AND FUNCTIONS

The material appearing in 21 F. R. 3803 of June 2, 1956 is superseded by the following.

SECTION 1. *Purpose.* The purpose of this order is to redefine the organization and functions of the Office of International Trade Fairs.

SEC. 2. *Organization.* 01 The Office of International Trade Fairs is a constituent unit of the Office of the Secretary and is headed by a Director who reports to the Assistant Secretary of Commerce for International Affairs.

02 The Office of International Trade Fairs consists of the following organization units:

1. The Office of the Director—
   Deputy Director.
   Assistant Director.
2. Public Information Staff.
3. Industry Exhibits Division.
4. Research and Program Division.
5. Design Division.
6. Procurement Division.
7. Materials and Traffic Division.
8. Exhibit Operations Division.
9. Project Groups.

03 In order to facilitate design and procurement activities, the Office of International Trade Fairs maintains an office in New York City. An office is also maintained in Paris, France to facilitate economies in warehousing and transportation services.

SEC. 3. *Delegation of authority.* 01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director of the Office of International Trade Fairs shall perform the functions and exercise the power and authorities relating to the promotion of United States international trade, through the medium of international trade fairs, vested in the Secretary of Commerce by the Act of February 14, 1903 (32 Stat. 826), as amended; and in pursuance of the International Cultural Exchange and Participation Act of 1956, Pub. Law 860, 84th Congress, Second Session (70 Stat. 778).

02 The Director of the Office of International Trade Fairs may redelegate any power or authority conferred on him by this order to any officer of the Office of International Trade Fairs to be exercised in accordance with such conditions and limitations as he may prescribe.

SEC. 4. *Objectives and general functions.* The objective of the Office of International Trade Fairs is to demonstrate to peoples of other countries, in a dramatic and effective manner, the excellence of our free enterprise system as reflected in our products and our way of life and to strengthen the ties which unite the United States with other nations by the promotion of the foreign commerce of the United States through the medium of international trade fairs. To this end the Office shall:

1. Coordinate, plan, design, establish, and operate industry-government exhibits at selected international trade fairs abroad for the purpose of displaying official interest in such fairs and of strengthening total United States participation in specific events; and

2. Cooperate with United States business and industry to stimulate a wider use of the international trade fair abroad as a medium for the promotion of commerce and for the maintenance of the prestige of United States industry in foreign markets, and encourage and facilitate the display of American products by individual companies at such international trade fairs.

SEC. 5. *Duties and responsibilities.*
01 The Director is responsible for developing and coordinating the programs, and directing all operations and administrative activities of the Office of International Trade Fairs, including the transfer of personnel to the foreign cities where exhibits are staged.

1. The Deputy Director is the chief operating aide to the Director and shall assist in the direction of the operations of the Office of International Trade Fairs, act for the Director in his absence, and perform such other duties as the Director may assign.

2. The Assistant Director is responsible for the administrative management of the Office, including budget, personnel, contracts, other services and office facilities; secure all necessary administrative services for the Office through the appropriate offices reporting to the Assistant Secretary of Commerce for Administration and the General Counsel's offices; and advises and assists the Director on the operational phases of the program.

02 The Public Information Staff prepares news releases and maintains liaison with the daily and trade press and other media of public communications; and makes available to the public current information on the operations of the Trade Fair Program.

03 The Industry Exhibits Division is responsible for assisting U. S. private industry in the most practical ways of exhibiting at international trade fairs, and increasing and improving the flow of information to private industry about trade fairs toward fulfilling the objective of encouraging greater participation on the part of U. S. industry in trade fairs.

04 The Research and Program Division is responsible for assembling and analyzing all pertinent information necessary for the selection of proper themes and contents for all fairs. To this end the Division shall solicit the advice of country and area specialists in the Commerce, State, Agriculture and other U. S. Government departments, Embassies, USIA Staff and comments and suggestions from businessmen, designers and appropriate private organizations.

05 The Design Division is responsible for advance planning for trade fair designs, recommends to the Director for his consideration exterior and interior building designs, supervises the preparation of specifications and preliminary drawings, ascertains for the Director that design and construction contracts are let well in advance of opening dates of fairs and that work is completed on time and in accordance with specifications.

06 The Procurement Division is responsible for securing exhibits and displays appropriate to the theme of individual trade fairs; procuring through direct contact with industrial and business concerns specific items of equipment necessary for use in any aspect of the U. S. Exhibit by loan, gift or purchase; and participating in disposition actions.

07 The Materials and Traffic Division is responsible for maintaining the necessary control of all property used by the Office at exhibits and arranging for the disposition of such materials at the end of their usefulness to the Program. This Division shall also be responsible for the most expeditious and economic transportation of materials from their source to and from the fair sites at which they will be used and for the proper safeguarding of all equipment and related materials during shipment.

08 The Exhibit Operations Division is composed of the Exhibit Managers and Assistant Exhibit Managers who, being assigned to manage the U. S. Exhibits, go to the city where the fair will be held and assume responsibility for staging the exhibit.

09 Project Groups shall be formed as necessary for effective accomplishment of the Program, which is a succession of individual exhibit projects. To coordinate the effort of all the facilities of the Office toward an optimum result, the Office uses the project system of operation. These Project Groups will generally include a staff member from each Division and have as their responsibility the planning and staging of a specific exhibit.

Effective date: February 11, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-1552; Filed, Feb. 28, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4600 etc.]

LOCKHART OIL COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 25, 1957.

In the matters of Lockhart Oil Company of Texas, Docket No. G-4600;[1] South States Oil & Gas Company, Docket No. G-9897; Lockhart Oil Company of Texas, Docket No. G-9925; L. M. Lockhart, Docket No. G-9926.

Take notice that, on January 26, 1956, Lockhart Oil Company of Texas and L. M. Lockhart filed applications in Docket Nos. G-9925 and G-9926 respectively, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service with respect to their two separate sales previously covered by certificate applications filed in Docket Nos. G-4600 and G-9474.[2] Each party states that by deed dated January 4, 1956, South States Oil & Gas Company has acquired all of the gas properties subject of the certificate applications referred to above and that such acquisition is subject to and dedicated to the gas purchase contracts covering the respective sales to Tennessee Gas Transmission Company and Trunkline Gas Company.

On January 23, 1956, South States Oil & Gas Company, a Texas Corporation with its principal place of business at San Antonio, Texas, filed an application pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to continue the sales and operation of facilities which Lockhart Oil Company of Texas in Docket No. G-9925 and L. M. Lockhart in Docket No. G-9926 seek permission and approval to abandon; all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 3, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1521; Filed, Feb. 28, 1957; 8:45 a. m.]

[Docket No. E-6730]

GEORGIA POWER CO. ET AL.

ORDER INSTITUTING AN INVESTIGATION

FEBRUARY 25, 1957.

In the matter of Georgia Power Company, City Mills Co., Eagle & Phenix Mills Co., U. S. Corps of Engineers; Docket No. E-6730.

The River and Harbor Act of 1946 approved modification of the general plan for the development of the Apalachicola, Chattahoochee, and Flint River system, and authorized construction by the Department of the Army of the Buford project on the Chattahoochee River

[1] Notice of application and date of hearing in this matter was duly published in the FEDERAL REGISTER on April 19, 1956, in consolidation with Docket No. G-2867, et al. (21 F. R. 2576-2577). The subject docket was severed from the consolidated proceeding by notice of severance and continuance dated May 9, 1956.

[2] A certificate of public convenience and necessity was granted in Docket No. G-9474 by the Commission's order issued October 16, 1956 in Docket No. G-3244, et al.

about 348.5 miles above its mouth and about 35 miles northeast of Atlanta, Georgia. It is our understanding that filling of the Buford reservoir was commenced on February 1, 1956.

There are nine existing hydroelectric developments on the Chattahoochee River downstream from the Buford project. Pertinent information for these projects follows:

Name of plant	River	River (miles)	Owner	Installed capacity (kilowatts)
Morgan Falls	Chattahoochee	312.6	Georgia Power Co	16,800
Langdale	do	194.2	do	4,010
Riverview	do	190.6	do	480
Bartletts Ferry	do	177.9	do	65,000
Goat Rock	do	172.2	do	26,000
North Highlands	do	162.5	do	6,900
City Mills	do	161.2	City Mills Co	180
Eagle & Phenix	do	160.4	Eagle & Phenix Mills Co	4,100
Jim Woodruff	Apalachicola	107.6	Corps of Engineers	30,000

Pursuant to the provisions of section 10 (f) of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by upstream improvements constructed by the United States. The projects mentioned in the preceding paragraph may be directly benefited by reason of the construction and operation by the United States of its upstream Buford project.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above-designated projects located on the Chattahoochee and Apalachicola Rivers downstream from the above-designated headwater improvement constructed by the United States is directly benefited by the construction and operation of such upstream improvement of the United States and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of any non-Federal project so benefited for interest, maintenance and depreciation on such upstream improvement constructed by the United States.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1553; Filed, Feb. 28, 1957; 8:48 a. m.]

[Docket No. G-3545]

MIDSTATES OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 25, 1957.

Take notice that Midstates Oil Corporation (Applicant) having its principal place of business at Tulsa, Oklahoma, filed on September 28, 1954, an application, as supplemented on May 18, 1955, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue the sale of natural gas in interstate commerce from production in the Southwest Pleasant Valley Field, Logan County, Oklahoma, to Cities Service Gas Company, for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On May 1, 1956, Applicant filed an application in the above proceeding seeking permission, pursuant to section 7 (b) of the Natural Gas Act, to abandon the subject sale to Cities Service Gas Company, stating that the gas reserve is now exhausted and that Applicant is no longer able to render the service for which it sought authorization in its original application in this proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 3, 1957, at 9:30 a. m. (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1554; Filed, Feb. 28, 1957; 8:48 a. m.]

[Docket No. G-11563]

UNION OIL AND GAS CORPORATION OF LOUISIANA

NOTICE OF HEARING

FEBRUARY 25, 1957.

By order issued December 7, 1956, initiating this proceeding, certain proposed changes in rates filed by Union Oil and Gas Corporation of Louisiana were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. This order also provided for hearing concerning the lawfulness of the proposed changes in rates at a date to be fixed by notice from the Secretary of the Commission. The volumes of natural gas involved are purchased by Texas Gas Transmission Corporation.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 15 and 16 thereof, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the changes in rates and charges proposed herein.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1555; Filed, Feb. 28, 1957; 8:49 a. m.]

[Docket No. G-11797]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 25, 1957.

El Paso Natural Gas Company, a Delaware Corporation, with its principal place of business at El Paso, Texas, filed an application on January 25, 1957, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain additional facilities in various places in Texas, Arizona and New Mexico, at an estimated cost of $107,100,000, all as fully described in the application which is on file with the Commission and is open to public inspection. The additional facilities will be operated in conjunction with El Paso's existing facilities and facilities under construction as authorized in FPC Docket Nos. G-8940 and G-10499, for the purpose of delivering to El Paso's existing customers an additional 185 MMcf. (at 14.9 psi) of natural gas per day, for the sale of which authorization is also requested.

Applicant proposes to sell 75 MMcf. per day of the additional gas to Southern California Gas Company and Southern Counties Gas Company of California, 75 MMcf. per day to Pacific Gas & Electric Company, and 35 MMcf. per day to existing customers of Applicant in Arizona, principally in the Yuma, Arizona area.

El Paso proposes to obtain the 185 MMcf. of additional natural gas from the following sources:

40 MMcf. per day of gas-well gas from the Sonora gas pool in Sutton County, Texas.

5 MMcf. per day of gas-well gas from the East Panhandle field in Wheeler County, Texas.

40 MMcf. per day of residue gas from various fields in Borden and Upton counties, Texas, and Lea County, New Mexico.

100 MMcf. per day of gas-well gas from various Pictured Cliffs Fields and the Mesa Verde Field in San Juan and Rio Arriba counties, New Mexico.

Gas for company use and gas lost and unaccounted for in the course of making the proposed deliveries and sales will also be obtained from said sources.

The facilities for which authorization is requested include field facilities and also main line facilities. The field facilities consist of approximately 533 miles of pipeline from 2" to 24" in diameter, 27,850 hp. of compression in new and existing stations, additional gasoline absorption-plant, fractionating-plant, dehydration-plant and recovery-plant capacity; metering and communication facilities; structures and equipment; and additional leases and wells. The additional main line facilities include approximately 216 miles of pipeline, 6⅝" to 34" in diameter; 58,900 hp. of compression in new and existing stations; metering and communication facilities, structures and equipment.

Applicant says that the need for additional gas service in the areas served by the distributing companies to which the additional gas will be delivered is unquestioned.

Petitions and notices to intervene and protests may be filed with the Federal Power Commission, 441 G Street NW, Washington 25, D. C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before April 1, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1556; Filed, Feb. 28, 1957; 8:49 a. m.]

[Docket No. G-10751]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF HEARING

FEBRUARY 25, 1957.

By order issued July 18, 1956, initiating this proceeding, certain proposed changes in rates filed by Texas Gas Transmission Corporation were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. This order also provides for hearing concerning the lawfulness of the proposed changes in rates at a date to be fixed by notice from the Secretary of the Commission.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 15 and 16 thereof, and the Commission's rules of practice and procedure, a hearing will be held on April 15, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the changes in rates and charges proposed herein.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1558; Filed, Feb. 28, 1957; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ARTHUR F. JOHNSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interest required by subsection 710 (b) of the Defense Production Act of 1950, as amended, and section 302 (c) of Executive Order 10647:

Name of appointee: Arthur F. Johnson.

Employing agency: General Services Administration, Defense Materials Service.

Date of appointment: June 16, 1955.

Title of position: Consultant.

Name of private employer: Olin Industries, Inc., and Olin Mathieson Chemical Corporation, New York, N. Y.

Changes in the names of any:

(1) Corporations of which I am, or within 60 days preceding my appointment have been an officer or director;

(2) Corporations in which I own or within 60 days preceding my appointment have owned any stocks, bonds, or other financial interests;

(3) Partnerships in which I am, or within 60 days preceding my apointment have been a partner; and

(4) Other businesses in which I own or within 60 days preceding my appointment have owned any similar interests.

Additions

(2) El Paso Natural Gas Co.
(2) Southern Natural Gas Co.

Deletions

(2) All Olin Mathieson Chemical Corporation.
(2) All Phillips Petroleum (acquired and sold since previous report).
(3) El Paso Natural Gas Co. (excepting for 2 shares yet retained).

Dated: February 18, 1957.

ARTHUR F. JOHNSON.

[F. R. Doc. 57-1537; Filed, Feb. 28, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1064]

INSURANCE INVESTORS FUND, INC., AND FIRST SIERRA CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER TEMPORARILY EXEMPTING APPLICANT FROM REQUIREMENTS OF ACT

FEBRUARY 25, 1957.

Notice is hereby given that Insurance Investors Fund, Incorporated ("Fund"), a registered, open-end management company and The First Sierra Corporation ("Sierra"), both of San Francisco, California, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission temporarily exempting Fund from the provisions of sections 16 (a) and 32 (a), and Sierra from the provisions of section 15 (a), until the annual meeting of stockholders of Fund, scheduled for February 27, 1958.

The application discloses that Fund was organized on August 6, 1956, under the laws of the State of Delaware. The Fund registered on January 11, 1957 under the act and has filed a registration statement under the Securities Act of 1933 covering 50,000 shares of its capital stock; however, it has not yet commenced business operations and it has no stock outstanding. Sierra is registered as a broker-dealer under the Securities Exchange Act of 1934 and proposes to act as principal underwriter and investment adviser of Fund.

Fund proposes to obtain the $100,000 net worth required by section 14 (a) of the act, in accordance with the provisions of subsection (3) thereof, through the sale by Sierra of 5,500 shares of Fund's capital stock to not more than twenty-five persons for a total sales price of $110,000 of which the Fund will receive an aggregate net consideration of $100,320. Sierra will receive $9,680 as a sales commission. After receiving said aggregate net consideration Fund proposes to sell through Sierra as its principal underwriter, additional shares in a public offering, and it is contemplated that Sierra, when permitted by law, will act as investment adviser of Fund pursuant to a written contract containing the terms specified by section 15 (a) of the act. Fund will also retain the services of the accounting firm of Hood and Strong as independent public accountants for the purpose of certifying financial statements to be filed with the Commission.

The By-Laws of Fund provide that the annual meeting of stockholders shall be held on the fourth Tuesday in February of each year. It now appears that Fund will not have issued any stock by February 28, 1957, the scheduled date of the first annual meeting of stockholders. Accordingly, Fund proposes that its stockholders shall act on the following matters at the annual meeting on February 27, 1958, or at such earlier meeting as the Commission may by order direct: (1) To approve the contract between the Fund and Sierra as investment adviser; (2) to elect a Board of Directors of the Fund; and (3) to ratify or reject the selection of Hood and Strong as independent public accountants for Fund.

Section 15 (a) of the act makes it unlawful for a person to act as an investment adviser for a registered investment company, except pursuant to a written contract containing certain specified statutory terms, which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company.

Section 16 (a) of the act requires the directors of a registered investment company to be elected to that office by stockholders at an annual or special meeting and requires such a meeting to be held

within 60 days if at any time less than a majority of the directors are so elected by stockholders.

Section 32 (a) of the act requires, among other things, that the selection of an accountant employed by a registered management investment company shall be submitted for ratification or rejection at the next annual meeting of stockholders if such meeting be held.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision of the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than March 12, 1957 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1539; Filed, Feb. 28, 1957; 8:46 a. m.]

[File No. 812-1061]

ONE HUNDRED FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF SMALL CLOSED-END INVESTMENT COMPANY

FEBRUARY 25, 1957.

Notice is hereby given that the One Hundred Fund, Inc. ("applicant") a corporation organized under the laws of the State of Texas, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from certain provisions of the act. Applicant has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

Such application makes the following representations:

Applicant, a closed-end non-diversified management investment company as defined in the act, was organized on December 31, 1956. Its authorized capital consists of 1,000 shares of $50 par value common stock. The company proposes to offer 800 shares of common stock solely to residents of the State of Texas at a public offering price of $100 per share, or an aggregate of $80,000. The proposed underwriting commission of $5 per share will result in net proceeds to applicant of $76,000. The company has issued 25 shares to directors for $95 per share and has subscriptions for 75 shares at the same price.

Applicant will invest, reinvest and trade in securities or in real estate, or both. The Articles of Incorporation of applicant empower it, with respect to investments in real estate, to purchase, sell and subdivide real property in towns, cities and villages and their suburbs not extending more than two miles beyond their limits, and to purchase oil, gas and mineral leases, royalties and interests. There is no geographical limitation on freedom of action to concentrate its investments in a particular security or class of security, in securities of a particular industry or group of industries, or in the securities of a single issuer or group of issuers, or in real estate. The applicant may invest all or part of its funds in securities or real estate, invest in long-term or short-term debt securities, and may invest or trade with the purpose of realizing either income or short-term or long-term capital gains. Applicant will not purchase commodities or commodities contracts.

Section 6 (d) of the act provides, in substance, that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted applicant from only the following provisions of the act and the respective rules and regulations promulgated under each of such provisions and that applicant and other persons in their transactions and relations with applicant shall be subject to all other provisions of the act and rules thereunder as though applicant were a registered investment company:

Section 7; section 8 (b), except the requirement to file the information required by items 3, 4, and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that applicant shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a); provided, that the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may not later than March 8, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1540; Filed, Feb. 28, 1957; 8:46 a. m.]

[File No. 70-3561]

APPALACHIAN ELECTRIC POWER CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE OF BONDS BY SUBSIDIARY AT COMPETITIVE BIDDING AND CAPITAL CONTRIBUTIONS TO SUBSIDIARY BY PARENT

FEBRUARY 25, 1957.

In the matter of Appalachian Electric Power Company, Kanawha Valley Power Company, American Gas and Electric Company; File No. 70-3561.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and Appalachian Electric Power Company ("Appalachian") and Kanawha Valley Power Company ("Kanawha"), both public utility subsidiaries of American, have jointly filed an application-

declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9, 10, and 12 of the act and Rules U-42, U-45, U-46 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian proposes to issue and sell at competitive bidding $29,000,000 aggregate principal amount of its First Mortgage Bonds ("New Bonds") __ percent series, to be dated as of March 1, 1957, and to mature March 1, 1987. The interest rate on the New Bonds (which shall be expressed in a multiple of ⅛ of 1 percent) and the price to be paid to Appalachian, which shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof, will be determined by competitive bidding.

American owns all of the 500 authorized and outstanding shares of common stock of Kanawha and had open account advances of $3,174,398 due from Kanawha as of December 31, 1956. It is proposed that, prior to or concurrently with the sale of the New Bonds, American make a capital contribution to Kanawha of its open account advances and thereafter make a capital contribution to Appalachian of the 500 shares of common stock of Kanawha owned by American. The common stock equity of Kanawha thus to be contributed to Appalachian will amount to $3,179,398, plus net income earned by Kanawha between December 31, 1956 and the date of the capital contribution. American also proposes, prior to or concurrently with the sale of the New Bonds, to make a cash capital contribution of $5,000,000 to Appalachian.

It is proposed that after the consummation of the transactions described above, Kanawha may, from time to time as cash is generated by depreciation accruals, pay cash dividends to Appalachian out of the capital surplus arising from the cancellation of its open account advances, such dividends to be treated by Appalachian as a reduction of its investment in Kanawha.

The proceeds of the cash capital contribution and sale of the New Bonds are to be applied by Appalachian, to the extent available, to the prepayment, without premium, of notes payable to banks. As of December 31, 1956, notes payable to banks were outstanding in the amount of $21,500,000, and it is expected that not to exceed $4,500,000 additional principal amount of such notes will be issued, making not in excess of $26,000,000 to be outstanding at the time of the issuance and delivery of the New Bonds. Any remaining proceeds will be added to Appalachian's treasury funds and will be applied to carry forward its present construction program, the cost of which is estimated for the calendar year 1957 to be $56,370,000.

The application-declaration states that various aspects of the proposed transactions will be expressly authorized by the Virginia State Corporation Commission in which state Appalachian is organized and doing business and by the Public Service Commission of West Virginia and by the Tennessee Public Service Commission, in which states Appalachian is qualified to do business. No other State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that the fees and expenses to be paid by the company will aggregate $122,394 including legal fees to Simpson Thacher & Bartlett of $13,500, legal fees to Hunton, Williams, Gay, Moore & Powell of $5,000, and accounting fees to Niles and Niles of $2,500. Legal fees of Winthrop, Stimson, Putnam & Roberts, counsel for the purchasers of the New Bonds, will be paid by such purchasers and such fees are estimated to be $8,100.

Notice is further given that any interested person may, not later than March 11, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1541; Filed, Feb. 28, 1957; 8:45 a. m.]

[File No. 70-3560]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY REGISTERED HOLDING COMPANY AND ITS SUBSIDIARIES PURSUANT TO SUBSCRIPTION OFFER AND PURCHASE BY PARENT OF SUBSIDIARY COMMON STOCKS

FEBRUARY 25, 1957.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company; File No. 70-3560. Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River") have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (e) and 12 (f) of the act and Rules U-42 (b) (2), U-43 and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

EUA proposes to issue and offer to the holders of its outstanding common shares 89,322 of its common shares for subscription at a price to be determined by EUA shortly prior to the proposed offering, on the following basis: (a) One new common share for each 12 common shares held of record on a date in March 1957, to be fixed at a later date, and (b) the privilege of subscribing for additional new shares at the same price per common share, subject to allotment on the basis of the primary subscription privilege, and (c) the sale of the unsubscribed shares to underwriters to be selected pursuant to the competitive bidding requirements of Rule U-50.

Pursuant to Amended Reorganization Plan No. 4 of EUA some of its common shares are held by Distribution Agent for exchange for old convertible shares. Rights applicable to these common shares will be sold and the net proceeds held by the Distribution Agent and paid pro rata to the holders of such unexchanged convertible shares upon surrender thereof for exchange.

Blackstone has outstanding 173,234 shares of common stock of which EUA owns 171,804 shares (99.2 percent). Blackstone proposes to offer to the holders of its common stock 10,828 additional shares at $105 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of $1,132,000.

Brockton has outstanding 241,398 shares of common stock of which EUA owns 235,188 shares (97.4 percent). Brockton proposes to offer to the holders of its common stock 18,570 shares at $62 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 13 shares presently held and their sale is expected to provide proceeds of $1,146,000.

Fall River has outstanding 212,000 shares of common stock of which EUA owns 207,338 shares (97.8 percent). Fall River proposes to offer to the holders of its common stock 13,250 shares at $52 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of $684,000.

EUA will purchase its pro rata part of the shares of additional common stock to be issued by Blackstone, Brockton, and Fall River as well as any additional shares not subscribed for by other holders. EUA will use the proceeds of its common stock sale and other funds on hand or to be borrowed from banks for this purpose. Each subsidiary company will apply the proceeds from the sale of its additional common stock to the partial payment of its outstanding short-term bank loans.

EUA states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue

and sale by EUA of new common shares. The proposed issue and sale of new common stock by Blackstone is subject to the jurisdiction of the Public Utility Administrator, Department of Business Regulation, State of Rhode Island, the State commission of the State in which Blackstone is organized and doing business. The proposed issue and sale of new capital stock by Brockton and Fall River is subject to the Department of Public Utilities of Massachusetts, the State commission of the State in which Brockton and Fall River are respectively organized and doing business.

The fees and expenses in connection with the transactions proposed by EUA are estimated to aggregate $61,500 including legal fees and expenses of $6,200 and accountants' fees and expenses of $1,300. For the Blackstone transactions, the estimate aggregates $5,000 including $1,600 legal fees and expenses, for Brockton $5,000 including legal fees and expenses of $2,300 and for Fall River $4,000, including $1,500 legal fees and expenses. The fees and expenses of the underwriter's counsel to be paid by the underwriters will be supplied by amendment.

Notice is further given that any interested person may, not later than March 11, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1542; Filed, Feb. 28, 1957; 8:45 a. m.]

[File No. 24D-1850]

IOLA URANIUM CORP.

ORDER VACATING ORDER OF SUSPENSION

FEBRUARY 25, 1957.

Iola Uranium Corporation (Iola), a Colorado corporation, 1414 South Michigan Avenue, Chicago 5, Illinois, filed with the Commission on July 26, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto relating to a proposed public offering of 1,200,000 shares of common stock, 1¢ par value, at 25¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company (Columbia), No. 1 Equitable Building, Denver, Colorado, was named as principal underwriter of the securities to be offered by Iola.

The Commission on September 6, 1956 ordered that the exemption on which Iola relied under Regulation A, be temporarily suspended for the reasons as stated in the referred to order.

Iola, subsequent to the action temporarily suspending the exemption, submitted a request that said order be vacated and in support thereof has furnished the Commission information that its relationship with its former underwriter, Columbia, was voluntarily terminated by Iola on August 28, 1956 when it first became aware of the indictment of one Arnold L. Kimmes and his connection with Columbia; that only 700 shares of those covered by the filing had been sold on or after August 3, 1956, the date of the Kimmes indictment; that it immediately ceased to offer the securities under its Regulation A filing on August 28, 1956, prior to the issuance of the temporary suspension order; and that no further offering of the securities is now contemplated under the said filing.

It therefore appearing to the Commission that a hearing is not necessary or appropriate in the Public interest or for the protection of investors and that the basis for said temporary order for suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to rule 223 (b) under Regulation A of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order for suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1543; Filed, Feb. 28, 1957; 8:45 a. m.]

[File No. 31-640]

OLIN REVERE METALS CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

FEBRUARY 21, 1957.

Notice is hereby given that Olin Revere Metals Corporation ("Metals"), a Delaware corporation, has filed an application and an amendment thereto pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting an order exempting it, and every subsidiary company as such, from all the provisions of the act, on the ground that Metals is only incidently a holding company, being primarily engaged or interested in one or more businesses other than the business of a public utility company, and not driving directly or indirectly any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company.

The application as amended, which is on file in the offices of the Commission, may be summarized as follows:

Metals was organized in 1956 by Olin Mathieson Chemical Corporation ("Olin") and Revere Copper and Brass Incorporated ("Revere") for the purpose of constructing, owning and operating an integrated group of plants and facilities for the production of primary aluminum. The aluminum will be produced at a reduction plant to be situated near Clarington, Ohio, and will be sold to Olin and Revere in the proportions of 66 percent and 34 percent respectively. The electric power required for operation of the reduction plant will be obtained from electric generating facilities which will be owned by Olin Revere Generating Corporation ("Generating"), a wholly-owned subsidiary of Metals. Generating will come within the definition of an electric utility company as defined in the act, and Metals will come within the definition of a holding company as defined in the act.

Generating's facilities will consist of two units of a three-unit steam-electric generating station being constructed in West Virginia by Ohio Power Company ("Ohio"), a public utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. The third unit will be owned by Ohio and the three units will be operated as a single generating station by an "operating company" which will be a subsidiary of Ohio. The fuel requirements of the generating station will be supplied under a long-term contract by Pittsburgh Consolidation Coal Company ("Pittsburgh"). Electric power for the reduction plant will be delivered over a transmission line to be constructed and owned by Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas.

A Memorandum Agreement relating to the proposed aluminum project and its power supply was executed December 20, 1956 by Olin, Revere, Pittsburgh, Ohio and Wheeling. The agreement, among other things, contains provisions whereby a major portion of Generating's electric capacity will be made available to Metals, Olin and Revere, and a minor portion of this capacity will be made available to Ohio.

Electric energy will be sold by Generating on a cost reimbursement basis. Generating will realize no net income and will pay no dividends to Metals. The only revenue of Metals will be received from the sale of aluminum to Olin and Revere. The aluminum will be priced at an amount which will include the entire over-all "cost" of its production. Metals estimates that its revenue from the sale of aluminum will be approximately $60,000,000 in the first year of operation and will average approximately $70,000,000 per annum during the next four years. The revenue of Generating is estimated at approximately $15,000,000 annually during the first five years of operation of the generating station, and approximately $10,000,000 per annum thereafter.

The total cost of Metals' aluminum project, including the amount which Metals will invest in Generating, is estimated at $231,000,000. Metals will obtain $31,000,000 of this amount by the sale of its common stock and certain other securities to Olin and Revere. An

additional $100,000,000 will be obtained by the sale of 4½ percent First Mortgage Bonds of Metals to twenty institutional investors. The remaining $100,000,000 will be obtained through a five-year borrowing by Metals from ten commercial banks, evidenced by 4¼ percent promissory notes. The cost of the electric generating facilities to be owned by Generating is estimated at $60,000,000. Generating will purchase these facilities with funds obtained through the issuance and sale of capital stock and non-interest bearing Mortgage Notes to Metals.

The outstanding voting securities of Metals will initially be owned in equal amounts by Olin and Revere. Olin and its various subsidiaries are engaged in diversified manufacturing operations and at the end of 1955 had consolidated assets of approximately $622,000,000. For the year 1955 the consolidated net sales and revenues of Olin and subsidiaries were approximately $560,000,000. Revere is engaged in the manufacture of various products composed of copper, brass, bronze and other metals. Revere's total assets at the end of 1955 were approximately $88,000,000 and, for the year 1955, its net sales were approximately $243,000,000.

Olin and Revere will be holding companies as defined in the act. Olin and Revere have been advised by counsel that, upon the filing of the instant application by Metals in good faith, and while such application is pending, Olin and Revere will be exempt from the provisions of the act by virtue of Rule U-10 (a) of the rules and regulations thereunder, and that if the application is granted, Olin and Revere will be exempt thereafter pursuant to said rule.

Notice is further given that any interested person may, not later than March 11, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application as amended may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1509; Filed, Feb. 27, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 26, 1957.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33294: *Substituted service—R-W-R, Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent, for interested rail carriers. Rates on various commodities, loaded in highway trailers on railroad flat cars between Indianapolis, Ind., on the one hand, and Pittsburgh, Pa., on the other, on traffic originating at points beyond or destined to points beyond the named points served by motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Central States Motor Freight Bureau, Inc., tariff I. C. C. 27.

FSA No. 33295: *Anhydrous ammonia—Louisiana points to Sheffield, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Lake Charles, Sterlington, and West Lake Charles, La., to Sheffield, Ala.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 193 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33296: *Alcohols—Louisiana points to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methyl ethyl ketone, other alcohols, and related articles, tank-car loads from Baton Rouge, Good Hope, New Orleans, and North Baton Rouge, La., to Houston, Texas City, and Velasco, Tex.

Grounds for relief: Maintenance of rates from points in the South in excess of lowest combinations by use of proposed rates from and to named points.

Tariff: Supplement 87 to Agent Kratzmeir's tariff I. C. C. 4161.

FSA No. 33297: *Aluminum billets—Arkansas and Texas to Baton Rouge, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, pigs or slabs, carloads from specified points in Arkansas and Texas to Baton Rouge, La.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 11 to Agent Kratzmeir's tariff I. C. C. 4225.

FSA No. 33298: *Cotton linters—Oklahoma points to Texas ports.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton linters, carloads from McAlester and Oklahoma City, Okla., to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 76 to Agent Kratzmeir's tariff I. C. C. 4029.

FSA No. 33299: *Grain and grain products from and to points in central territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grain and grain products, carloads from origins in central territory to destinations in central territory.

Grounds for relief: Grouping and circuity.

FSA No. 33300: *All freight—New York, N. Y., to Columbus, Ga., and Naples, Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on merchandise (all freight), mixed carloads from New York, N. Y., to Columbus, Ga., and Naples, Fla.

Grounds for relief: Modified short-line distance formula motor-truck (forwarder traffic) competition, and circuitous routes.

Tariff: Supplement 4 to Agent C. W. Boin's tariff I. C. C. A-1119.

FSA No. 33301: *Soda ash—Louisiana points to Coronet, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soda ash, carloads from Baton Rouge and North Baton Rouge, La., to Coronet, Fla.

Grounds for relief: Barge-truck competition and circuity.

Tariff: Supplement 34 to Agent Spaninger's tariff I. C. C. 1526.

FSA No. 33302: *Sodium phosphates—official territory to Kansas City, Kans.-Mo.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on phosphate of soda, noibn, di-sodium phosphate, and tri-sodium phosphate, carloads from specified points in Delaware, Michigan, New Jersey, Ohio and Pennsylvania to Kansas City, Kans.-Mo.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 46 to Agent C. W. Boin's I. C. C. A-1034. Supplement 150 to Agent H. R. Hinsch's I. C. C. 4238.

FSA No. 33303: *Substituted service—motor-rail-motor-C. & E. I.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago & Eastern Illinois Railroad, and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Mitchell, Ill., on the other, also between Chicago and East St. Louis, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 43 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 33304: *Substituted service—motor-rail-motor, M-K-T-R. R.* Filed by Middlewest Motor Freight Bureau, Agent, for The Missouri-Kansas-Texas Railroad Company, and interested motor carriers. Rates on various commodities, loaded in highway trailers and transported on railroad flat cars from St. Louis, Mo., to Parsons, Kans., and in the reverse direction.

Grounds for relief: Motor truck competition.

Tariff: Supplement 43 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 33305: *Superphosphate—southwest to western trunk-line territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on superphosphate, in bulk, carloads from specified points in Arkansas, Louisiana, Missouri, Oklahoma and Texas to specified points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, also Streator, Ill.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 194 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33306: *Cottonseed oil—Memphis, Tenn., to Cincinnati, Ohio.* Filed

by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed and soybean oil, and related oils, carloads from Memphis, Tenn., to Cincinnati, Ohio.

Grounds for relief: Circuitous route.

Tariff: Supplement 16 to Agent C. A. Spaninger's tariff I. C. C. 1551.

FSA No. 33307: *Frozen citrus fruit juices—Florida to western points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on frozen citrus fruit juices and concentrates and related articles, carloads from specified points in Florida to specified points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes, including routes through higher-rated territory.

Tariff: Supplement 2 to Agent C. A. Spaninger's tariff I. C. C. No. 1578.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-1538; Filed, Feb. 28, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KATHE HILDEGARD SCHOTT-KEIL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kathe Hildegard Schott-Keil, The Hague, Holland, Claim No. 60234, Vesting Order No. 17902, $609.64 in the Treasury of the United States.

Executed at Washington, D. C., on February 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1566; Filed, Feb. 28, 1957; 8:51 a. m.]

[Vesting Order 17320, Amdt.]

HANS AND ALICE LOUISE HOFFMANN-WALBECK

In re: Bonds owned by Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck. F-28-31115.

Vesting Order 17320, dated February 6, 1951, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 17320, as amended, the bond number "M 7885" and substituting therefor the bond number "M 7785"

All other provisions of said Vesting Order 17320, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on February 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director.
Office of Alien Property.

[F. R. Doc. 57-1567; Filed, Feb. 28, 1957; 8:52 a. m.]

GAUTHIER ROSENSTIEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gauthier Rosenstiel, 43, rue de Mulhouse, Nancy (M&M), France, Claim No. 42198, Vesting Order No. 3078, $203.83 in the Treasury of the United States.

Executed at Washington, D. C., on February 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1522; Filed, Feb. 27, 1957; 8:57 a. m.]